

Page 001

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

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(b)(5);WIF Draft

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Page 004

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of the Freedom of Information and Privacy Act

From: (b)(6),(b)(7)(C)
To:
Subject: FW: Assistance
Date: Friday, February 16, 2018 2:31:02 PM
Attachments: FOWs.pdf

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:09 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Assistance

The two A #'s are (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). I can call you and discuss the allegation briefly now, or give you some time to look into things on your end. Let me know what's better for you.

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:06 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Assistance
Importance: High

(b)(6),(b)(7)(C)

I will be available until noon then be available after 13:30. Do you have any case information you can provide?

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza (b)(6),(b)(7)(C) New York, NY 10278
PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:05 AM
To: (b)(6),(b)(7)(C)
Subject: Assistance

DFOD (b)(6),(b)(7)(C)

I received your information from OPR Jersey City. We, OPR Fairfax, VA, received an allegation that touches on two arrests made out of the ERO NYFO. I was wondering if you had sometime available to discuss this case with me today. I have an interview at 1000 today, but other than that I should be free. Please let me know if you are available for a quick call or feel free to contact me on my phone numbers listed below.

Thank you in advance,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Special Agent
Office of Professional Responsibility
Department of Homeland Security, ICE
Office: (703) 877-(b)(6),(b)(7)(C)
Cell: (646) 773-(b)(6),(b)(7)(C)

Page 007

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(b)(6);(b)(7)(C);(b)(7)(E)

of the Freedom of Information and Privacy Act

Page 008

Withheld pursuant to exemption

(b)(6);(b)(7)(C);(b)(7)(E)

of the Freedom of Information and Privacy Act

Page 009

Withheld pursuant to exemption

(b)(6);(b)(7)(C);(b)(7)(E)

of the Freedom of Information and Privacy Act

Page 010

Withheld pursuant to exemption

(b)(6);(b)(7)(C);(b)(7)(E)

of the Freedom of Information and Privacy Act

From: (b)(6),(b)(7)(C)
To:
Subject: FW: Fwd: (b)(6),(b)(7)(C) Sessions, (b)(6),(b)(7)(C)
Date: Thursday, February 15, 2018 9:41:40 AM
Attachments: Scan 1.pdf
ATT00001.htm

Thank you,

(b)(6),(b)(7)(C)

With honor and integrity, we will safeguard the American people, our homeland and our values.

***** Warning *** Attorney/Client Privilege *** Attorney Work Product *****

This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

From: (b)(6),(b)(7)(C)
Date: Monday, Jan 29, 2018, 1:35 PM
To: Cheng, Wen-Ting (b)(6),(b)(7)(C) Decker, Thomas (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: FW: Fwd: (b)(6),(b)(7)(C) v. Sessions, (b)(6),(b)(7)(C)

Decision Attached...

Thank you,

(b)(6),(b)(7)(C)
Deputy Chief Counsel
DHS/ICE/OPLA
Office of the Chief Counsel
New York, NY 10014
(212) 863 (b)(6),(b)(7)(C)

From: (b)(6);(b)(7)(C)
Date: Monday, Jan 29, 2018, 1:25 PM
To: (b)(6);(b)(7)(C)
Subject: Fwd (b)(6);(b)(7)(C) v. Sessions, (b)(6);(b)(7)(C)

Opinion attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(b)(6);(b)(7)(C)

Petitioner,

-v-

JEFFERSON SESSIONS III, in his official
capacity as the Attorney General of the United
States, KIRSTJEN NIELSEN, in her official
capacity as Secretary of Homeland Security,
THOMAS DECKER, in his official capacity as
New York Field Office Director for U.S.
Immigration and Customs Enforcement,
(b)(6);(b)(7)(C) in his official capacity
as Assistant New York Field Office Director for
U.S. Immigration and Customs Enforcement,
and the U.S. DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

KATHERINE B. FORREST, District Judge:

There is, and ought to be in this great country, the freedom to say goodbye. That is, the freedom to hug one's spouse and children, the freedom to organize the myriad of human affairs that collect over time. It ought not to be—and it has never before been—that those who have lived without incident in this country for years are subjected to treatment we associate with regimes we revile as unjust, regimes where those who have long lived in a country may be taken without notice from streets, home, and work. And sent away. We are not that country; and woe be the day that we become that country under a fiction that laws allow it. We have a law higher than any that may be so interpreted—and that is our Constitution. The wisdom of our Founders is evident in the document that demands and requires

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: January 29, 2018

(b)(6);(b)(7)(C)

OPINION & ORDER

more; before the deprivation of liberty, there is due process; and an aversion to acts that are unnecessarily cruel. These fundamental rights are at issue in this case.¹

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

This abrupt

and by all accounts unnecessary detention, a step in the direction of deportation, was wrong. To be sure, there is a complicated statutory scheme that has been written in so many different voices and with so many agendas that it is now akin to a corn maze. That scheme, read as the Government here reads it, allows for precisely those acts that occurred on (b)(6),(b)(7)(C) Under that reading, petitioner's status was essentially always at will and subject to immediate revocation if a mysterious "travel document" was obtained.⁴ How and when said

¹ The Court also notes with grave concern the argument that petitioner has been targeted as a result of his speech and political advocacy on behalf of immigrants' rights and social justice. "[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." United States v. Alvarez, 579 U.S. 709, 716 (2012) (quoting Ashcroft v. American Civil Liberties Union, 535 U.S. 564, 573 (2002) (internal quotation marks omitted)).

(b)(6),(b)(7)(C)

⁴ This Court notes that the travel document at issue expired by its terms on January 14, 2018. In other words, the circumstances that were "changed" and that had allowed for the revocation of supervised release, have now "changed back." Moreover, it appears from the record (various ICE worksheets) that a travel document has been easily obtainable for years, rendering receipt of such a document as the basis for "changed circumstances" fictive.

document would be sought, let alone obtained, is unclear. Here, petitioner was never told that such a document had been applied for and, (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

The Court in fact agrees with the Government that the statutory scheme—when one picks the path through the thicket in the corn maze—allows them to do what was done here. But there are times when statutory schemes may be implemented in ways that tread on rights that are larger, more fundamental. Rights that define who we are as a country, what we demand of ourselves, and what we have guaranteed to each other: our constitutional rights. That has occurred here.

In sum, the Court finds that when this country allowed petitioner to become a part of our community fabric, allowed him to build a life with and among us and to enjoy the liberties and freedom that come with that, it committed itself to allowance of an orderly departure when the time came, and it committed itself to avoidance of unnecessary cruelty when the time came. By denying petitioner these rights, the Government has acted wrongly. The petition must and shall be granted.

I. STATEMENT OF LEGAL PRINCIPLES⁵

The Court agrees that the statutory scheme governing petitioner's status is properly read to allow for his removal without further right of contest. He is subject to a final order of deportation, he has been under an order of supervision that the statute provides a right to revoke if and when there was a change in circumstances, and receipt of a "travel document" that allowed for immediate deportation was such a change of circumstance. Once the travel document had been obtained, the statutory scheme provides for the revocation of supervision and detention, as his deportation had become reasonably foreseeable. All of this is correct. But under the circumstances, the process by which it was done was nonetheless insufficient. The manner in which deportation was and is to be effected here requires more.

The statutory scheme fails to account for the circumstances here; circumstances that petitioner shares with so many others who are similarly subject to final orders of deportation and have similarly lived under orders of supervision without incident for years. In such circumstances, the Fifth Amendment's liberty and due process guarantees are North Stars that must guide our actions. Yes, petitioner knew he was under a final order of deportation; yes, he had had numerous instances in which he had been heard by U.S. Immigration and Customs

⁵ The Court has jurisdiction over this petition under 28 U.S.C. § 2241. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (citing 28 U.S.C. § 2241(c)(3), which "authorize[s] any person to claim in federal court that he or she is being held in custody in violation of the Constitution or laws . . . of the United States").

Enforcement ("ICE") and courts, arguing that he should be allowed to stay.⁶ And yes, that was all at an end. But if due process means anything at all, it means that we must look at the totality of circumstances and determine whether we have dealt fairly when we are depriving a person of the most essential aspects of life, liberty, and family.⁷ Here, any examination of those circumstances makes clear that petitioner's liberty interest,⁸ his interest in due process, required that we not pluck him out of his life without a moment's notice, remove him from his family and community without a moment's notice. The process that was due here is not process that will allow him to stay indefinitely—those processes have been had. The process that is due here is the allowance that he know and understand that the time has come, that he must organize his affairs, and that he do so by a date certain. That is what is due. That is the process required after a life lived among us.⁹

(b)(6),(b)(7)(C)

⁷ "These decisions underscore the truism that due process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. (D)ue process is flexible and calls for such procedural protections as the particular situation demands." Mathews v. Eldridge, 424 U.S. 319, 334 (1976) (internal quotations and citations omitted).

⁸ "Freedom from imprisonment— from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Fifth Amendment's Due Process Clause] protects." Zadvydas, 533 U.S. at 690 (citing Poucha v. Louisiana, 504 U.S. 71, 80 (1992)).

⁹ In his first order of release, petitioner was placed under supervision. At that time, the order of release informed him "Once a travel document has been obtained, you will be required to surrender to ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure."

Here, instead, the process we have employed has also been unnecessarily cruel. And those who are not subjected to such measures must be shocked by it, and find it unusual.¹⁰ (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

All of this without any showing, or belief by ICE that there is any need to show, that he would not have left on his own if simply told to do so; there has been no showing or even intimation that he would have fled or hidden to avoid leaving as directed. And certainly there has been no showing that he has not conducted himself lawfully for years.¹¹ Taking such a man, and there are many such men and women like him, and subjecting him to what is rightfully understood as no different or better than penal detention, is certainly cruel. We as a country need and must not act so. The Constitution commands better.

II. CONCLUSION

Having carefully reviewed the submissions and entire record in this matter, and having heard the parties, the Court is convinced that it must grant the petition for habeas corpus. Constitutional principles of due process and the avoidance of

¹⁰ "The Eighth Amendment's prohibition of cruel and unusual punishment 'guarantees individuals the right not to be subjected to excessive sanctions.'" *Miller v. Alabama*, 567 U.S. 460, 469 (2012) (quoting *Roper v. Simmons*, 543 U.S. 551, 560 (2005)). The Court further notes the clear principle that deportation proceedings are "civil, not criminal" and are assumed to be "nonpunitive in purpose and effect." See *Zadvydas*, 533 U.S. at 690.

¹¹ The order of deportation is based upon a felony conviction for wire fraud that petitioner sustained in 2001. It is uncontested that since his release from custody, petitioner has lived a life of a redeemed man.

unnecessary cruelty here allow and provide for an orderly departure. Petitioner is entitled to the freedom to say goodbye.

Accordingly, it is hereby ORDERED that petitioner shall be immediately released from custody.

SO ORDERED.

Dated: New York, New York
January 29, 2018



KATHERINE B. FORREST
United States District Judge

From: (b)(6),(b)(7)(C)
To:
Subject: FW: Operational Plans
Date: Thursday, February 15, 2018 2:12:09 PM
Attachments: (b)(6),(b)(7) Operations Order.docx
(b)(6),(b)(7)(C) Operations Order.docx

(b)(6),(b)(7)(C)

Attached are the operational plans for the two subject (b)(6),(b)(7)(C)

~~Law Enforcement Sensitive (LES)~~

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

FUGITIVE OPERATIONS TEAM

Operational Plan (b)(6);(b)(7)(C)

SITUATION:

ERO New York plans to remove (b)(6);(b)(7)(C) a citizen of Haiti with a final order of removal, to Haiti, via commercial aircraft. This removal is anticipated to garner significant media coverage.

On (b)(6);(b)(7)(C) the New York Fugitive Operations Team (NYFOT) will conduct an enforcement action near (b)(6);(b)(7)(C) Far Rockaway, NY 11691 with the objective of arresting (b)(6);(b)(7)(C). NYFOT members will process and transport (b)(6);(b)(7)(C) to Newark Liberty International Airport, Newark, NJ, for a flight to Miami International Airport, Miami, FL for staging. (b)(6);(b)(7)(C) ERO Miami will transfer (b)(6);(b)(7)(C) via ground transportation from the Krome Service Processing Center, Miami, FL to an ICE Air Operations flight departing Miami International Airport, Miami, FL to Port-au-Prince, Haiti. Upon arrival in Haiti, ERO will turn (b)(6);(b)(7)(C) over to the proper Haitian authorities.

Criminal and Immigration History Background and Intelligence Data

On (b)(6);(b)(7)(C) was convicted for Criminal Possession of a Weapon in the 4th Degree – Firearm and sentenced to time served. On (b)(6);(b)(7)(C) was convicted for Conspiracy to Possess with Intent to Distribute a Controlled Substance – Cocaine and sentenced to 45 months of imprisonment.

Medical History

Documents in the alien file indicate that (b)(6);(b)(7)(C) suffers from Asthma.

Coordinating Agencies

ICE ERO FNY

Geographic Information

Target Address – (b)(6);(b)(7)(C) Far Rockaway, NY 11691

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~~Law Enforcement Sensitive (LES)~~

Weather Considerations

Expected weather:

(b)(6),(b)(7)(C) Partly Cloudy. High 21F, Low 11F. NW winds at 11mph, chance of precipitation 10%.

MISSION:

On (b)(6),(b)(7)(C) the New York Fugitive Operations Team (NYFOT) will attempt to arrest (b)(6),(b)(7)(C) a citizen and national of Haiti with a final order of removal. At 0530 hours, NYFOT members will (b)(6),(b)(7)(C);(b)(7)(E) last known address (b)(6),(b)(7)(C) Far Rockaway, NY 11691). NYFOT members intend to arrest (b)(6),(b)(7)(C) once he exits his residence. Upon arrest (b)(6),(b)(7)(C) will be transported by NYFOT members to the ERO Newark Office for processing. At 1400 hours, NYFOT will transport (b)(6),(b)(7)(C) to Newark Liberty International Airport for a scheduled flight to Miami. The Team Leader for this operation is Deportation Officer (b)(6),(b)(7)(C) and the Case Officer is Deportation Officer (b)(6),(b)(7)(C)

MISSION TYPE:

THREAT RISK: Low to Medium

If possible, the subject will be arrested outside his place of residence where the probability of a stand-off or violent encounter will be minimized. Though there is no intelligence to indicate the subject will be armed, there is a possibility the subject may resist or even try to evade arrest if given the opportunity.

EXECUTION:

NYFOT Supervisor Intent: NYFOT supervisor will provide sufficient personnel for contact, cover, perimeter coverage and immediate area security during arrest.

Concept of Operation: NYFOT will provide a minimum of (b)(7)(E) officers in (b)(7)(E) vehicles to help effect arrest. All participating members will convene at the meet location for a pre-operation briefing. The local police department will be contacted prior to the operation. Upon arrival at the meet location, NYFOT members will be briefed by the supervisor, team leader and/or case officer.

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~~Law Enforcement Sensitive (LES)~~

Primary

The NYFOT members assigned to this operation will serve as the arrest team and provide contact, cover, perimeter and security during the operation. The case Officer, (b)(6),(b)(7)(C) will attempt to effectuate the arrest when appropriate. NYFOT members assigned are as follows:

(b)(6),(b)(7)(C)

Alternate

If any administrative issue arises the Team Leader will immediately contact the Team Supervisor to determine the next course of action.

Emergency/Medical Contingency

If any injury to team members or detainee is sustained, the NYFOT transport the injured to the nearest emergency center and standby for instruction from the Supervisor. In the event of an officer or alien being injured and incapacitated, the Team Leader will attempt to formulate a rescue plan. The Team Leader will call 911 and request medical and law enforcement support to the location. If an officer or alien is injured and is able to be moved to a safe location, NYFOT members will attempt to stabilize the injured until medical support arrives or will transport the injured individual to the nearest hospital.

Jamaica Hospital
8900 Van Wyck Expressway, Queens, NY 11418
(718) 206-6000

Coordinating Instructions

Timeline: 0530 start.

Meet Spot: (b)(7)(E) Far Rockaway, NY 11691

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~~Law Enforcement Sensitive (LES)~~

ADMINISTRATION AND LOGISTICS:

NYFOT members will follow the chain of command and adhere to all other existing Department of Homeland Security ICE service policies while in the performance of their duties.

Teams to be Used/Number of members

NYFOT: (b)(7)(E)

Vehicle and officer assignment information will be distributed and briefed at meet site.

(b)(7)(E)

Uniforms

Plainclothes

Medical Support (Determined by Nearest City)

1. Emergency Medical Services on Call: Contact # 911
2. *****

Emergency/Contingency Support

Compromised mission will require the team to assemble at the original meet site.
Team Supervisor will be contacted immediately for any additional support.

ICE ERO Documents Checklist

1. Field Operations Worksheet
2. I-205 Warrant of Arrest

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~~Law Enforcement Sensitive (LES)~~

COMMAND AND CONTROL:

The Team Supervisor will have operational control over all operations and will keep in contact with the Team Leader, Assistant Field Office Director (AFOD), Deputy Field Office Director (DFOD), and Field Office Director (FOD) (b)(7)(E)

(b)(7)(E)

NYFOT Command

Supervisor: SDDO

(b)(6),(b)(7)(C)

(646) 201

(b)(6),(b)(7)(C)

Team Leader: DO

(b)(6),(b)(7)(C)

(646) 773

(b)(6),(b)(7)(C)

Frequencies/Contact Numbers

(b)(7)(E)

Codes and Call signs

(b)(7)(E)

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~~Law Enforcement Sensitive (LES)~~

(b)(7)(E)



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~~Law Enforcement Sensitive (LES)~~

AUTHORIZING SIGNATURE

AUTHORIZING OFFICIAL

NAME _____

AFOD

(b)(6);(b)(7)(C)

New York Field Office

APPROVING OFFICIAL

NAME _____

DFOD

(b)(6);(b)(7)(C)

New York Field Office

DISTRIBUTION:

FOD

DFOD

AFOD

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~~Law Enforcement Sensitive (LES)~~

~~Law Enforcement Sensitive (LES)~~

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

FUGITIVE OPERATIONS TEAM
Operational Plan (b)(6);(b)(7)(C)

SITUATION:

ERO New York plans to remove (b)(6);(b)(7)(C) a citizen of Trinidad and Tobago with a final order of removal, to Trinidad and Tobago, via commercial aircraft. This removal is anticipated to garner significant media coverage.

On (b)(6);(b)(7)(C) the New York Fugitive Operations Team (NYFOT) will conduct an enforcement action near (b)(6);(b)(7)(C) Brooklyn, NY 11201 with the objective of arresting (b)(6);(b)(7)(C). NYFOT members will process and transport (b)(6);(b)(7)(C) to Newark Liberty International Airport, Newark, NJ, for a flight to Miami International Airport, Miami, FL for staging. On (b)(6);(b)(7)(C) ERO New York will escort (b)(6);(b)(7)(C) from Miami International Airport, Miami, FL to Piarco International Airport, Port of Spain, Trinidad and Tobago. Upon arrival in Trinidad and Tobago, ERO will turn (b)(6);(b)(7)(C) over to the proper Trinidadian authorities.

Criminal and Immigration History Background and Intelligence Data

The subject was convicted of Wire Fraud on (b)(6);(b)(7)(C) and sentenced to thirty months of imprisonment and a \$350,000 fine.

Medical History

There are no known medical conditions at this time.

Coordinating Agencies

ICE ERO FNY

Geographic Information

Target Address - (b)(6);(b)(7)(C) Brooklyn, NY 11201

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~~Law Enforcement Sensitive (LES)~~

Weather Considerations

Expected weather:

(b)(6),(b)(7)(C) Partly Cloudy. High 21F, Low 11F. NW winds at 11mph, chance of precipitation 10%.

MISSION:

On (b)(6),(b)(7)(C) the New York Fugitive Operations Team (NYFOT) will attempt to arrest (b)(6),(b)(7)(C) a citizen and national of Trinidad and Tobago with a final order of removal. At 0530 hours, NYFOT members will (b)(7)(E) NYFOT members intend to arrest (b)(6),(b)(7)(C) once he exits his residence. Upon arrest, (b)(6),(b)(7)(C) will be transported by NYFOT members to the ERO Newark Office for processing. At 1400 hours, NYFOT will transport (b)(6),(b)(7)(C) to Newark Liberty International Airport for a scheduled flight to Miami. The Team Leader for this operation is Deportation Officer (b)(6),(b)(7)(C) and the Case Officer is Deportation Officer (b)(6),(b)(7)(C).

MISSION TYPE:

THREAT RISK: Low to Medium

If possible, the subject will be arrested outside his place of residence where the probability of a stand-off or violent encounter will be minimized. Though there is no intelligence to indicate the subject will be armed, there is a possibility the subject may resist or even try to evade arrest if given the opportunity.

EXECUTION:

NYFOT Supervisor Intent: NYFOT supervisor will provide sufficient personnel for contact, cover, perimeter coverage and immediate area security during arrest.

Concept of Operation: NYFOT will provide a minimum of (b)(7)(E) officers in (b)(7)(E) vehicles to help effect arrest. All participating members will convene at the meet location for a pre-operation briefing. The local police department will be contacted prior to the operation. Upon arrival at the meet location, NYFOT members will be briefed by the supervisor, team leader and/or case officer.

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~~—Law Enforcement Sensitive (LES)—~~

Primary

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(b)(6);(b)(7)(C)

Alternate

If any administrative issue arises the Team Leader will immediately contact the Team Supervisor to determine the course of action.

Emergency/Medical Contingency

If any injury to team members or detainee is sustained, the NYFOT transport the injured to the nearest emergency center and standby for instruction from the Supervisor. In the event of an officer or alien being injured and incapacitated, the Team Leader will attempt to formulate a rescue plan. The Team Leader will call 911 and request medical and law enforcement support to the location. If an officer or alien is injured and is able to be moved to a safe location, NYFOT members will attempt to stabilize the injured until medical support arrives or will transport the injured individual to the nearest hospital.

Brooklyn Hospital
121 Dekalb Avenue, Brooklyn, NY 11201
(718) 250-8000

Coordinating Instructions

Timeline: 0530 start.

Meet Spot: (b)(7)(E) Brooklyn, NY 11201

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~~Law Enforcement Sensitive (LES)~~

ADMINISTRATION AND LOGISTICS:

NYFOT members will follow the chain of command and adhere to all other existing Department of Homeland Security ICE service policies while in the performance of their duties.

Teams to be Used/Number of members

NYFOT: (b)(7)(E) members

Vehicle and officer assignment information will be distributed and briefed at meet site.

(b)(7)(E)

Uniforms

Plainclothes

Medical Support (Determined by Nearest City)

1. Emergency Medical Services on Call: Contact # 911
2. *****

Emergency/Contingency Support

Compromised mission will require the team to assemble at the original meet site.
Team Supervisor will be contacted immediately for any additional support.

ICE ERO Documents Checklist

1. Field Operations Worksheet
2. I-205 Warrant of Arrest

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~~—Law Enforcement Sensitive (LES)—~~

COMMAND AND CONTROL:

The Team Supervisor will have operational control over all operations and will keep in contact with the Team Leader, Assistant Field Office Director (AFOD), Deputy Field Office Director (DFOD), and Field Office Director (FOD) via (b)(7)(E)

(b)(7)(E)

NYFOT Command

Supervisor: SDDO (b)(6),(b)(7)(C)
(646) 488 (b)(6),(b)(7)(C)

Team Leader: DO (b)(6),(b)(7)(C)
(646) 201 (b)(6),(b)(7)(C)

Frequencies/Contact Numbers

(b)(7)(E)

Codes and Call signs

(b)(7)(E)

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~~Law Enforcement Sensitive (LES)~~

(b)(7)(E)



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~~Law Enforcement Sensitive (LES)~~

AUTHORIZING SIGNATURE

AUTHORIZING OFFICIAL

NAME _____

AFOD

(b)(6),(b)(7)(C)

New York Field Office

APPROVING OFFICIAL

NAME _____

DEOD

(b)(6),(b)(7)(C)

New York Field Office

DISTRIBUTION:

FOD

DFOD

AFOD

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~~Law Enforcement Sensitive (LES)~~

From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
Subject: FW: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today
Date: Friday, February 09, 2018 9:58:14 AM
Attachments: veritedcomplaint.pdf

(b)(6),(b)(7)(C)

Deputy Field Office Director
DHS-ICE
New York, NY

From: Cheng, Wen-Ting (b)(6),(b)(7)(C)

Date: Friday, Feb 09, 2018, 12:11 AM

To: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: RE: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

(b)(6),(b)(7)(C)

Attached please find the First Amendment lawsuit and order to show cause. In addition to (b)(6),(b)(7)(C) plaintiffs include: the New Sanctuary Coalition, CASA de Maryland, National Immigrant Project of the National Lawyers GILD, NY Immigration Coalition and Detention Watch. In addition to the two of you, the suit names AD1 Tom Homan, the Secretary and the Atty General as defendants.

Wen Cheng
Chief Counsel - New York
USDHS/ICE

* Sent via iPhone *

From: Cheng, Wen-Ting (b)(6),(b)(7)(C)

Date: Thursday, Feb 08, 2018, 7:10 PM

To: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: RE: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

(b)(6),(b)(7)(C)

Attached is the temporary stay signed by the judge. We are still waiting to receive a copy of First Amendment complaint and will forward when we receive it.

AUSA will be sending a formal preservation letter within the next few days, but in the meantime, we should preserve and retain all potentially relevant documents and materials to this litigation. This includes both paper and electronic records. Please let us know if you have any questions.

Thanks,

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

***** Warning *** Attorney/Client Privilege *** Attorney Work Product *****

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From: Cheng, Wen-Ting
Sent: Thursday, February 08, 2018 12:54 PM
To: Decker, Thomas; (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

(b)(6),(b)(7)(C)

Heads up. (b)(6),(b)(7)(C) attys are filing a 1st Amendment claim against the agency. We expect a temporary stay to be issued today or tomorrow. We're in contact with the USAO and will brief you later this afternoon.

This is just a heads up at this point. I suggest (b)(5)

(b)(5) Is 4pm a good time?

Thanks. Wen

Wen

Wen-Ting Cheng
Chief Counsel

Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTERN DISTRICT OF NEW YORK**

RAVIDATH LAWRENCE RAGBIR;)
)
NEW SANCTUARY COALITION OF)
NEW YORK CITY;)
)
CASA DE MARYLAND, INC.;)
)
DETENTION WATCH NETWORK;)
)
NATIONAL IMMIGRATION PROJECT)
OF THE NATIONAL LAWYERS GUILD;)
)
and)
)
NEW YORK IMMIGRATION)
COALITION,)
)

Plaintiffs,

v.

)
THOMAS D. HOMAN, in his official)
capacity as Deputy Director and Senior)
Official Performing the Duties of the)
Director of U.S. Immigration and Customs)
Enforcement;)
)
THOMAS R. DECKER, in his official)
capacity as New York Field Office Director)
for U.S. Immigration and Customs)
Enforcement;)
)
SCOTT MECHKOWSKI, in his official)
capacity as Assistant New York Field Office)
Director for U.S. Immigration and Customs)
Enforcement;)
)
U.S. IMMIGRATION AND CUSTOMS)
ENFORCEMENT;)
)

Civil Action No. _____

KIRSTJEN M. NIELSEN, in her official)
capacity as Secretary of Homeland Security;)
)
U.S. DEPARTMENT OF)
HOMELAND SECURITY;)
)
JEFFERSON B. SESSIONS III, in his)
official capacity as Attorney General of the)
United States;)
)
and)
)
U.S. DEPARTMENT OF JUSTICE,)
)
Defendants.)
_____)
)

COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND HABEAS RELIEF

NATURE OF ACTION

1. This case is about who we are as a nation. Whether it remains true that “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). Whether ours is a nation where the privilege and responsibility of prosecutorial discretion are nothing more than a thin veil for persecution of disfavored political views. The nation’s immigration laws provide for the removal of some non-citizens from the United States. In years past, to determine who to remove and when, the Executive Branch has considered factors such as whether the individual poses a danger to the community, the impact of removal on international relations, and the “human concerns” of whether the individual “has children born in the United States, long ties to the community, or a record of distinguished military service.” *Arizona v. United States*, 567 U.S. 387, 396 (2012).

2. But with the new Administration, something has changed. Federal immigration authorities have specifically targeted prominent and outspoken immigrant-rights activists across the country on the basis of their speech and political advocacy on behalf of immigrants' rights and social justice. These activists have been surveilled, intimidated, harassed, and detained, their homes have been raided, many have been plucked off the street in broad daylight, and some have even been deported. The "broad discretion exercised by immigration officials," *id.*, has been abused in a cynical effort to punish those who disagree with the Administration. To sweep away all opposition. The Government's targeting of activists on the basis of their core political speech is unfair, discriminatory, and un-American. And it violates the First Amendment.

3. Cities that protect noncitizen immigrants are called "sanctuaries" for a reason. Many immigrants live in the shadows for fear of possible deportation. Many of the rights that birthright American citizens take for granted—the right to speak, to worship, to work, and to live as one pleases—are exercised only with caution by immigrants. Yet courageously, some immigrants speak out. They boldly educate other immigrants about their rights. They bravely advocate for changes to our immigration laws and enforcement policies. They fearlessly call out the injustices they see in our nation's immigration system. They do this because the Constitution not only allows but encourages it. Because of our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

4. Plaintiff Ravidath "Ravi" Lawrence Ragbir, a father, husband, and nationally-recognized immigration rights activist, is one such immigrant who has freely exercised his right to speak out against the injustices and inhumanity of our current immigration system and has been targeted for removal by federal immigration authorities on the basis of his outspoken

advocacy. Plaintiff New Sanctuary Coalition of New York City depends on Mr. Ragbir as its Executive Director. He is the lifeblood of the organization and a central figure in the broader community of immigration advocates. He has devoted his life to the dignity and well-being of others, working tirelessly at the intersection of faith and immigrant communities, and gathering support from faith leaders, elected officials at all levels of government, immigrant-rights activists, and hundreds of community members.

5. Mr. Ragbir has lived in the United States for over 25 years, but for the last 10 years he has been subject to a final order of removal. Yet, because of his special contributions to his community, federal immigration authorities until recently allowed him to remain in the United States with his beloved U.S. citizen wife and daughter, granting him an order of supervision and four administrative stays of removal. But on January 11, 2018, with his most recent administrative stay of removal still in place, U.S. Immigration and Customs Enforcement (ICE) officials suddenly and inexplicably detained him at a routine check-in.

6. Just ten days ago, in response to the cruel and unconstitutional actions of federal immigration officials, this Court granted Mr. Ragbir a writ of habeas corpus, requiring ICE to release him from custody. The Court wrote that “[i]t ought not to be—and it has never before been—that those who have lived without incident in this country for years are subjected to treatment we associate with regimes we revile as unjust.” *Ragbir v. Sessions*, No. 18-cv-236 (KBF), 2018 WL 623557, at *1 (S.D.N.Y. Jan. 29, 2018) (Forrest, J.).

7. Mr. Ragbir is not alone. Plaintiff immigrants’ rights organizations have joined this lawsuit because they too have seen their leading advocates targeted because of their advocacy.

8. The Government cannot silence critics of its immigration laws and policies by deporting them. The First Amendment does not allow it. It is a matter of “grave concern” indeed that Mr. Ragbir and other likeminded activists “ha[ve] been targeted as a result of [their] speech and political advocacy on behalf of immigrants’ rights and social justice.” *Id.* at *1 n.1. “[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *United States v. Alvarez*, 167 U.S. 709, 716 (2012) (alteration in original) (quoting *Ashcroft v. Am. Civil Liberties Union*, 535 U.S. 564, 573 (2002)).

9. This Court should prevent Defendants from doing just that. The Court should declare that targeting immigrant-rights activists on the basis of their protected political speech violates the First Amendment, and enjoin Defendants from taking any further retaliatory actions. And the Court should restrain Defendants from taking any action to effectuate Mr. Ragbir’s removal from the United States unless Defendants demonstrate to the Court’s satisfaction that such action is untainted by unlawful retaliation or viewpoint discrimination.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction under 28 U.S.C. § 1331; 28 U.S.C. § 2241; and the Suspension Clause of the United States Constitution. Plaintiffs’ causes of action arise under the laws and Constitution of the United States, including the First Amendment. In addition, Plaintiff Ragbir is subject to a final order of removal, which “is sufficient, by itself, to establish the requisite custody” for purposes of habeas jurisdiction. *Simmonds v. I.N.S.*, 326 F.3d 351, 354 (2d Cir. 2003); *see also Jones v. Cunningham*, 371 U.S. 236, 239-40 (1963).

11. Nothing in the Immigration and Nationality Act (INA) strips this Court of its jurisdiction over Plaintiffs’ claims. *See* 8 U.S.C. § 1252 (specifying provisions governing

judicial review of orders of removal). Plaintiffs here do not challenge underlying orders of removal or actions committed to unreviewable agency discretion. They challenge, rather, Defendants' pattern and practice of targeting immigrant-rights activists for immigration enforcement on the basis of their core protected political speech. This includes Defendants' actions targeting Mr. Ragbir, which arose long after his removal order became final. No other forum exists to address these claims. Applying any statutory provision to curb jurisdiction in this case therefore would deprive Plaintiffs of any effective judicial review of their claims, and a "serious constitutional question ... would arise if a federal statute were construed to deny any judicial forum for a colorable constitutional claim." *Webster v. Doe*, 486 U.S. 592, 603 (1988) (quotation marks omitted). And, with respect to Mr. Ragbir, the Suspension Clause guarantees review of his claims. *See INS v. St. Cyr*, 533 U.S. 289 (2001); *Simmonds*, 326 F.3d 351.

12. Venue is proper in this district under 28 U.S.C. § 1391. A substantial part of the events giving rise to this action occurred in this judicial district.

13. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201, and this Court has authority to grant declaratory and injunctive relief. *Id.* §§ 1351, 2201, 2202. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

PARTIES

14. Plaintiff Ravidath Lawrence Ragbir is a resident of Brooklyn, New York. He is a prominent immigrant-rights activist and Executive Director of the New Sanctuary Coalition of New York City. Mr. Ragbir became a Lawful Permanent Resident of the United States in 1994. He received a final order of removal in 2007, but has continued to live and work in the United States with authorization from ICE since his release from an initial period of immigration detention in 2008.

15. Plaintiff New Sanctuary Coalition of New York City (the Coalition) is an interfaith network of congregations, organizations, and individuals, standing publicly in solidarity with families and communities resisting detention and deportation in order to stay together. Since its inception in 2007, the Coalition has grown from a half-dozen congregations to a city-wide movement, working in coalition with New York City's major immigrant organizations to reform immigration enforcement practices and policies, both locally and nationally. The Coalition is based in New York.

16. Plaintiff CASA de Maryland, Inc. (CASA) is a non-profit 501(c)(3) membership organization headquartered in Langley Park, Maryland, with offices in Maryland, Virginia, and Pennsylvania. Founded in 1979, CASA is the largest membership-based immigrant-rights organization in the mid-Atlantic region, with more than 90,000 members. CASA's mission is to create a more just society by building power and improving the quality of life in low-income immigrant communities. In furtherance of this mission, CASA offers a wide variety of social, health, job training, employment, and legal services to immigrant communities in Maryland, as well as the greater Washington, DC metropolitan area, Virginia, and Pennsylvania.

17. Plaintiff National Immigration Project of the National Lawyers Guild (NIPNLG) is a national non-profit 501(c)(3) membership organization headquartered in Boston, Massachusetts. Formed in 1971 as a committee of the National Lawyers Guild, NIPNLG became a freestanding organization in 1981. Today it is one of the few national legal support groups that specialize in defending the rights of immigrants facing incarceration and deportation. It provides technical assistance and support to community-based immigrant organizations, legal practitioners, and advocates seeking and working to advance the rights of noncitizens. NIPNLG works independently and collaboratively with immigration advocacy organizations across the

United States to educate and strengthen the capacity of immigration professionals and immigrant organizations to defend immigrant rights, and promotes public policy change through litigation, advocacy, and support for community organizing on the ground.

18. Plaintiff New York Immigration Coalition (NYIC) is an umbrella policy and advocacy organization for more than 200 groups in New York State. NYIC envisions a New York state that is stronger because all people are welcome, treated fairly, and given the chance to pursue their dreams. Its mission is to unite immigrants, members, and allies so all New Yorkers can thrive. NYIC represents the collective interests of New York's diverse immigrant communities and organizations and devises solutions to advance them; advocates for laws, policies, and programs that lead to justice and opportunity for all immigrant groups; and builds the power of immigrants and the organizations that serve them to ensure their sustainability, to improve people's lives, and to strengthen the state.

19. Plaintiff Detention Watch Network (DWN) is a national coalition of approximately 200 organizations and individuals headquartered in Washington, DC. Founded in 1997 in response to the explosive growth of the U.S. immigration detention and deportation system, DWN works against the injustices of those systems and for profound change that promotes the rights of dignity of all persons. DWN is the only national network that focuses exclusively on immigration detention and deportation issues, is a go-to resource on detention issues, and is known as a critical national advocate for just policies that promote an eventual end to immigration detention. DWN unites diverse constituencies to advance the civil and human rights of those impacted by the immigration detention and deportation systems. DWN members, many of whom are directly affected by detention and deportation policies, are community organizers, advocates, social workers, lawyers, doctors, clergy, students, and formerly detained

immigrants and their families. They are engaged in individual case and impact litigation, documenting conditions violations, local and national administrative and legislative advocacy, community organizing and mobilizing, teaching, and social service.

20. Defendant Thomas D. Homan is the Deputy Director and Senior Official Performing the Duties of the Director of ICE. He is named in his official capacity. He is responsible for the enforcement of the immigration laws, including against Mr. Ragbir. He supervises Defendants Decker and Mechkowski. His address is U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC, 20536.

21. Defendant Thomas R. Decker is the New York Field Office Director for ICE. He is named in his official capacity. He is responsible for the enforcement of the immigration laws in New York City and surrounding counties within New York, including against Mr. Ragbir. He supervises Defendant Scott Mechkowski. His address is New York Field Office, 26 Federal Plaza, 11th Floor, New York, New York, 10278.

22. Defendant Scott Mechkowski is the New York Field Office Deputy Director for ICE. He is named in his official capacity. He is responsible for the enforcement of the immigration laws in New York City and surrounding counties within New York, including against Mr. Ragbir. His address is New York Field Office, 26 Federal Plaza, 11th Floor, New York, New York, 10278.

23. Defendant Department of Homeland Security (DHS) is an executive department of the United States Government. DHS is headquartered in Washington, DC.

24. Defendant ICE is a component of DHS headquartered in Washington, DC.

25. Defendant Kirstjen M. Nielsen is the Secretary of Homeland Security. She is named in her official capacity. She is responsible for the administration and enforcement of the

immigration laws, including against Mr. Ragbir. She supervises Defendants Homan, Decker, and Mechkowski. Her address is U.S. Department of Homeland Security, 800 K Street, NW #1000, Washington, DC, 20528.

26. Defendant Jefferson B. Sessions III is the Attorney General of the United States. He is named in his official capacity. He is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. § 1103(g). He is responsible for Mr. Ragbir's removal proceedings, and supervises immigration judges and the Board of Immigration Appeals. His address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC, 20530.

27. Defendant Department of Justice (DOJ) is an executive department of the United States Government. DOJ is headquartered in Washington, DC.

FACTUAL ALLEGATIONS

A. Defendants Have Engaged in a Pattern and Practice of Targeting Immigrant-Rights Activists on the Basis of their Core Protected Political Speech

28. Since January 2017, federal immigration authorities across the country have engaged in a pattern and practice of targeting outspoken immigrant-rights activists who publically criticize U.S. immigration law, policy, and enforcement.

29. Defendants have investigated, surveilled, harassed, raided, arrested, detained, and even deported these activists in order to silence them. They have arrested activists immediately following press appearances and news conferences. They have detained spokespeople and directors of immigration advocacy organizations. They have surveilled the organizations' headquarters and targeted their members. And they have targeted communities identified by the federal government as "sanctuary cities" to punish those communities for taking legislative,

municipal, and political action to limit official cooperation with federal immigration enforcement.

30. This sharp spike in immigration enforcement specifically targeting the most vocal immigration activists is intended to stifle dissent. According to U.S. Representative Jerry Nadler: “These are well-known activists who’ve been here for decades, and [ICE is] saying to them: Don’t raise your head.”¹ Similarly, U.S. Representative Luis Guitierrez has stated: “I have long suspected that very vocal advocates were harshly targeted after they spoke out. ... I would go to ... an immigration hearing, and the person who made the biggest impression? I’d find out that they’d been detained. And that started last year.”²

31. Since 2017, media organizations have reported on many immigrants, including Plaintiff Ravidath Ragbir and others, whom ICE has detained or taken other adverse action against based on their speech or other protected activities.

B. Defendants Surveilled, Detained, and Seek To Deport Mr. Ragbir in Retaliation for his Outspoken Criticism of U.S. Immigration Law and Policy

1. Mr. Ragbir’s Activism and Political Speech

32. Plaintiff Ravidath Ragbir, Executive Director of the Coalition, is a father, husband, and nationally recognized immigrant-rights leader.

33. Since his release from immigration detention with a final order of removal over a decade ago, Mr. Ragbir has dedicated his professional and personal life to speaking out against immigration policies that he considers unjust. He has been a vocal critic of ICE and other

¹ Maria Sacchetti and David Weigel, *Ice has Detained or Deported Prominent Immigrant Rights Activists*, Washington Post (Jan. 19, 2018), https://www.washingtonpost.com/powerpost/ice-has-detained-or-deported-foreigners-who-are-also-immigration-activists/2018/01/19/377af23a-fc95-11e7-a46b-a3614530bd87_story.html?utm_term=.5be0c8e2393b.

² *Id.*

components of DHS. His work and his views about immigration policy and enforcement are frequently profiled in local and national media.

34. As Executive Director of the Coalition, Mr. Ragbir has maintained a regular presence outside ICE offices and Department of Justice immigration courts in New York, located at 26 Federal Plaza, which also houses the United States Citizenship and Immigration Services (USCIS) and other DHS and Department of Justice offices, and outside of 201 Varick Street, which houses the detained immigration court and serves as a processing center for immigrants who ICE intends to detain. At both locations, Mr. Ragbir organizes weekly prayerful vigils called “Jericho Walks” that are led by Coalition faith leaders.

35. In his capacity as the Coalition’s Executive Director, Mr. Ragbir has also had extensive contact with ICE’s offices and the immigration courts through the Coalition’s Accompaniment Program. This program ensures that immigrants who have immigration court dates and check-in appointments do not face these experiences alone. As part of this program, the Coalition has trained hundreds of volunteers on how to accompany immigrants to court and to check-ins (which occur at 26 Federal Plaza, 201 Varick Street, and other locations), whereby immigrants who are subject to some form of supervised release routinely meet with ICE officers. These volunteers provide critical support to those who would like to comply with the immigration laws and rules, but are scared to go to court and check-ins alone. In many cases, legal services providers now reach out to Mr. Ragbir directly to ask the Coalition to provide accompaniment for their clients. The Coalition provides an average of 11 accompaniments per week to immigrants in enforcement proceedings.

36. Second, Mr. Ragbir created a program in which volunteers help immigrants to find attorneys to assist them in immigration proceedings, in navigating interactions with ICE, and, where possible, in speaking out about the injustices they experience.

37. In addition to this work, Mr. Ragbir has been a vocal advocate for immigrant rights across the United States and a frequent critic of current immigration policies. For example, Mr. Ragbir testified before the New York City Council on detention and deportation policies, met with President Obama's transition team to discuss his perspective and experiences on immigration policy, and has spoken at countless conferences, media events, and places of worship. He coordinates workshops with attorneys and other experts to help immigrants fleeing violence in their home countries to learn about their right to apply for asylum. And he trains advocates and elected officials on immigration issues and how to reform the deportation system.

38. Over the years, Mr. Ragbir has received numerous accolades for his zealous advocacy. He was awarded the 2017 Immigrant Excellence Award by the New York State Association of Black and Puerto Rican Legislators for his "deep commitment to the enhancement of their community." He also won the 2017 ChangeMaker Award by South Asian Americans Leading Together (SAALT) for his "tremendous sacrifice, fierce advocacy, and fearless leadership" on behalf of immigrants. He was recently awarded the Bishop's Cross from the Episcopal Diocese of Long Island for his "exceptional service to the church and to the community it serves."

2. Mr. Ragbir's Immigration History

39. Mr. Ragbir's work is informed by his personal experience of being detained and facing deportation.

40. Mr. Ragbir received Lawful Permanent Resident status in the United States in 1994. His daughter was born in the United States the next year.

41. In May 2006, ICE detained Mr. Ragbir after he was convicted of criminal wire fraud—a conviction for which Mr. Ragbir served his time.³

42. On August 4, 2006, an Immigration Judge entered an order of deportation in Mr. Ragbir's case, which became final when the Board of Immigration Appeals rejected his appeal in March 2007.

43. Throughout his immigration court proceedings and after issuance of an order of deportation, Mr. Ragbir remained in detention, despite two Post Order Custody Reviews.

44. ICE finally released Mr. Ragbir from custody following a third Post Order Custody Review in February 2008. ICE reported in the Post Order Custody Review that led to his release that Mr. Ragbir “did not commit a crime of violence and does not appear to be a flight risk and he is fully aware that he will have to report to ICE custody when required.” The notice further explained, once removal was commenced, “[y]ou will, at that time, be given an opportunity to prepare for an orderly departure.”

45. Mr. Ragbir has always contested his removability, most recently with the assistance of pro bono counsel. As of today, Mr. Ragbir has three pending legal applications, a petition in the U.S. District Court for the District of New Jersey for a writ of *coram nobis*, a petition for a presidential pardon, and a motion with the Board of Immigration Appeals to reconsider, reopen, and remand his removal proceedings based on new evidence undermining the deportability ground in his case, as well as his petition for adjustment of status on the basis of his eight years of marriage to Amy Gottlieb, a U.S. citizen and attorney. Like Mr. Ragbir, Ms.

³ Mr. Ragbir continues to dispute the basis of his conviction. Further, as this Court recently noted ordering his release from detention, “[i]t is uncontested that since his release from custody, [Mr. Ragbir] has lived the life of a redeemed man.” *Ragbir v. Sessions*, No. 18-cv-236 (KBF), 2018 WL 623557, at *3 n.11 (S.D.N.Y. Jan. 29, 2018) (Forrest, J.).

Gottlieb is a prominent immigrant-rights advocate who has dedicated her career to the pursuit of a just immigration policy.

46. Meanwhile, for approximately a decade, Mr. Ragbir has dutifully checked in with ICE and complied with all conditions of his release. Orders of supervision authorize individuals like Mr. Ragbir to live and work in the United States in compliance with the conditions of the order. If an order of supervision is revoked on grounds unrelated to flight risk or dangerousness, the individual will be given the opportunity for an “orderly departure,” including time (generally two to three months) to get his affairs in order, purchase a ticket, and provide proof of departure.

47. Following his order of removal, Mr. Ragbir also applied for and received work permits that allowed him to work in the United States. It was pursuant to this work authorization that he was able to work full-time for the Coalition.

48. For several years, Mr. Ragbir has also received and renewed an administrative stay of removal (Form I-246). This stay assured Mr. Ragbir that ICE would not seek his deportation for the period covered by the administrative stay. Mr. Ragbir’s first stay of removal was granted by the ICE Field Office in New York City in December 2011, and was renewed three times, in February 2013, March 2014 and January 2016. In November 2017, he filed for renewal of his administrative stay.

3. Mr. Ragbir’s March 9, 2017 Check-In

49. On March 9, 2017, Mr. Ragbir was due to check in with ICE officers at 26 Federal Plaza. In the tradition of the Accompaniment Program he designed, Mr. Ragbir was accompanied by his family, lawyers and clergy.

50. In addition, Mr. Ragbir brought with him several New York elected officials, including New York State Senator Gustavo Rivera, New York City Council Members Daniel Dromm, Ydanis Rodriguez, and Jumaane Williams, and then-New York City Council Speaker

Melissa Mark-Viverito. Several hundred additional community members gathered outside in support of Mr. Ragbir.

51. During the March 9, 2017 check-in, several of the elected officials accompanying Mr. Ragbir encountered then-Assistant Field Office Director Scott Mechkowski in the hallway outside the check-in room on the 9th Floor. Mechkowski demanded that the elected officials leave the hallway.

52. Media reports described a tense confrontation between ICE officers and the elected officials who accompanied Mr. Ragbir. “The conference was cut short when a man ... ordered the group to clear the hallway immediately. City Councilmember Jumaane Williams observed that the group wasn’t blocking the hallway and asked the man to identify himself. The man refused, but insisted that Mr. Ragbir, his friends, and the elected officials leave the hallway. For a moment the two men squared off, eye to eye. The unnamed federal official eventually stepped away, and Mr. Ragbir’s entourage boarded elevators to descend.”⁴

53. Due in part to the high-profile detentions of other immigrant activists, there was a significant media presence at 26 Federal Plaza the morning of March 9, 2017, prior to and following Mr. Ragbir’s check-in.

54. After the check-in, several media outlets worldwide reported on Mr. Ragbir’s struggle to remain in the United States and his confrontational March 9 check-in with ICE.⁵

⁴ Nick Pinto, *Behind ICE’s Closed Doors*, “The Most Un-American Thing I’ve Seen,” Village Voice (Mar. 10, 2017), <https://www.villagevoice.com/2017/03/10/behind-ices-closed-doors-the-most-un-american-thing-ive-seen/>.

⁵ See, e.g., Liz Robbins, *Once Routine, Immigration Check-Ins Are Now High Stakes*, N.Y. Times (Apr. 11, 2017), <https://www.nytimes.com/2017/04/11/nyregion/ice-immigration-check-in-deportation.html>; *Apoyado por cientos, defensor de inmigrantes evade deportación en Nueva York*, La Nación Costa Rica (Mar. 9, 2017), <https://www.nacion.com/el-mundo/politica/apoyado-por-cientos-defensor-de-inmigrantes-evade-deportacion-cn-nueva-york/NQTJGKHIWJAYREVGOWMLAWJCE/story/>; *New York: malgré un casier judiciaire*,

55. Those reports also included the comments of elected officials who were present at the check-in and critical of ICE's enforcement policies. In the resulting press coverage, Mr. Ragbir spoke publically regarding the emotional toll taken by the ICE check-in: "When I speak about how I feel, I cannot breathe."⁶

56. Mr. Ragbir also criticized federal immigration policy, commenting on the profit motive fueling current ICE detention policies: "So, you know how much it costs to feed—when I was locked in detention, do you know how much it cost to feed me for one day? Seventy-five cents. They were spending to feed one immigrant 75 cents. And you know how we knew that? Because they felt they were spending too much, and they wanted to bring that cost under 45 cents, so the numbers were thrown out, and we were hearing and seeing this happen. So, the profits—the cost is low, but the profits are high, because they're being paid \$120, right?"⁷

57. In a panel discussion alongside Councilmember Mark-Vivcrito, Mr. Ragbir rallied community members to become involved in the sanctuary-city movement. He insisted that "sanctuary cities can only work if everyone becomes part of the movement," saying, "we want to see sanctuary in the schools, the restaurants as well as churches." He encouraged community members to protest ICE actions.

un immigré évite l'expulsion, Le Parisien (Mar. 10, 2017), <http://www.leparisien.fr/flash-actualite-monde/new-york-malgre-un-casier-judiciaire-un-immigre-evite-l-expulsion-10-03-2017-6751086.php>.

⁶ Tiziana Rinaldi, *It's Good News and Bad News for an Immigrant Advocate Facing Deportation*, PRI (March 10, 2017), <https://www.pri.org/stories/2017-03-10/its-good-news-and-bad-news-immigrant-advocate-facing-deportation>.

⁷ Amy Goodman, *Exclusive: Facing Possible Deportation, Immigrant Activist Ravi Ragbir Speaks Out Before ICE Check-in*, Democracy Now! (Mar. 9, 2017), https://www.democracynow.org/2017/3/9/exclusive_facing_likely_deportation_immigrant_activist.

4. ICE Officials' Reaction to the March 9, 2017 Check-In

58. On information and belief, on January 3, 2018, days before Mr. Ragbir's next scheduled check-in, one of the co-founders of the Coalition, Jean Montrevil, was arrested by ICE agents outside his home during his lunch break from work. Mr. Montrevil, a Haitian national, immigrant rights activist, and green-card holder who was placed into removal proceedings as a teenager due to a drug charge, was in the midst of a motion to reopen his order of removal. Nonetheless, on January 3, 2018, Mr. Montrevil was transferred to detention in ICE's Krome Detention Center in Florida, and deported to Haiti just six days later, on January 9, 2018.⁸ He was forced to leave behind his four U.S. citizen children, and an active community of organizers who worked with him to advance immigrant rights, including Mr. Ragbir.

59. On information and belief, Mr. Montrevil's lawyer asked Scott Mechkowski, ICE's Deputy Field Office Director for New York, why the agency had sent a team to apprehend Mr. Montrevil at home months before his scheduled check-in. Mechkowski responded that "We [ICE] war-gamed this over and over," adding, "[t]his was the best time and place to take him."

60. On information and belief, during this same period, ICE officials surveilled Mr. Ragbir and members of the Coalition.⁹

61. On information and belief, on January 5, 2018, Rev. Juan Carlos Ruiz, one of the co-founders of the Coalition, and an immigrant-rights organizer, went with three other faith leaders to discuss Mr. Montrevil's situation with ICE Director Thomas Decker at 26 Federal Plaza. The clergy were told that Director Decker was not available and instead met with Deputy

⁸ Nick Pinto, *No Sanctuary*, Intercept (Jan. 19, 2018), <https://theintercept.com/2018/01/19/ice-new-sanctuary-movement-ravi-ragbir-deportation/>

⁹ *Id.*

Director Scott Mechkowski to discuss Mr. Montrevil's case. Without prompting, Mechkowski brought up Mr. Ragbir's case and his remarks to the media after his last check-in. In addition:

- a. Mechkowski stated that Mr. Ragbir and Mr. Montrevil's cases were the two "highest profile" cases in his office.
- b. Mechkowski made negative remarks about the elected officials who spoke out about ICE practices after Mr. Ragbir's last check-in.
- c. Mechkowski stated that he would not permit the clergy members to accompany Mr. Ragbir to this check-in, as they had in the past, and described the upcoming check-in as "D-Day."
- d. Mechkowski stated that the manner of Mr. Montrevil's detention was intended to avoid the sort of noisy protest that had accompanied Mr. Ragbir's previous check-in, and stated that ICE "didn't want the display of wailing kids and wailing clergy." Clergy members reported that he added: "That can't happen this time around."¹⁰
- e. Lastly, although Mechkowski denied that ICE was surveilling Mr. Ragbir, he stated: "I know where Mr. Ragbir lives, and I have seen him walking around, and I could have taken him myself."

62. On information and belief, on January 8, 2018, Mr. Ragbir's counsel spoke with ICE Deputy Director Mechkowski. Speaking of Mr. Ragbir, Mechkowski stated that things were "different" now than they were in the past, referring to changes in leadership. Significantly, Mechkowski stated that he felt "resentment" about the March 9, 2017 check-in.

63. In addition, Mechkowski stated that:

¹⁰ *Id.*

- a. Mechkowski heard Mr. Ragbir's statements to the press, and that he continued to see him at vigils at 26 Federal Plaza; and
- b. Mechkowski was angry about the presence of the elected officials in 26 Federal Plaza, specifically naming Melissa Mark-Viverito and "that guy from Brooklyn" (presumably Councilmember Jumaane Williams).

5. Defendants' Unnecessarily Cruel Detention of Mr. Ragbir

64. As noted above, Mr. Ragbir's counsel applied for renewal of his administrative stay in November 2017. At that time Mr. Ragbir's current administrative stay was due to expire on January 19, 2018. His counsel received an e-mail from Mechkowski on January 10, 2018 stating that Mr. Ragbir's request for renewal of his administrative stay was pending, and that no decision had been reached.

65. Mr. Ragbir's January 11, 2018 check-in was atypical in several respects:

- a. First, in advance of Mr. Ragbir's scheduled January 11, 2018 check-in, Mechkowski suggested that—rather than following the normal protocol by which Mr. Ragbir would check-in with the Deportation Officer assigned to his case—Mr. Ragbir should report directly to him on January 11, 2018.
- b. Second, upon meeting Mechkowski as instructed on January 11, 2018, the group was told that only one of Mr. Ragbir's legal representatives and his wife would be allowed to enter. The undisputed fact that another attorney and two law students had entered G-28 Notices of Appearance on behalf of Mr. Ragbir was disregarded.

66. In the ensuing meeting, Mechkowski reported that ICE would no longer await a pending decision from the Office of Chief Counsel on Mr. Ragbir's motion to reopen his removal proceedings. He stated that he was not willing to wait longer and would be "enforcing

the order.” He said that a decision was made that morning to deny Mr. Ragbir’s application for a renewed stay of removal, and handed his counsel a letter from Director Decker stating that his request for the renewed stay was denied. He then said he would be taking Mr. Ragbir into custody. Upon hearing the news, Mr. Ragbir briefly lost consciousness.

67. In the subsequent few hours, Mr. Ragbir’s representatives were not given any arrest warrant authorizing Mr. Ragbir’s arrest. Further, ICE officers engaged in evasive maneuvers to separate Mr. Ragbir from his wife and transfer him to a Florida detention center, rather than one of the many detention centers typically used by ICE in New York and New Jersey. Specifically:

- a. Mr. Ragbir’s counsel was not told what detention facility he would be taken to; ICE officers simply stated that they did not know.
- b. The ambulance that took Mr. Ragbir, his wife, and ICE officers to a local hospital dropped his wife off at one hospital, where his wife believed Mr. Ragbir would be “medically cleared,” and then took Mr. Ragbir to a second hospital.
- c. At the hospital, ICE officers attempted to rush the process of medical clearance.
- d. Although several detention centers are typically used by ICE in the New York-New Jersey area, ICE officers took Mr. Ragbir in a van to Newark Airport, and then to a plane to Miami, Florida to be booked at a facility there. ICE later disclosed that they had purchased the tickets to Miami the day before.
- e. ICE initially refused to return Mr. Ragbir to the New York area despite this Court’s January 11 order enjoining the Government from transferring him

outside the jurisdiction of the New York field office. Mr. Ragbir was returned only after filing a motion to enforce the Court's order.

68. Mr. Ragbir was "processed" curbside at Newark Airport, had his fingerprint placed on various papers but not given copies of any documents other than the letter denying his stay application. He learned later that his current stay (which was valid until January 19, 2018) and ongoing order of supervision had been revoked. He has never been provided with a reason for the revocation.

69. Mr. Ragbir spent more than two weeks in detention. His movements were restricted and monitored. Contact with his wife and his counsel was extremely limited, particularly while detained in Florida. He was unable to receive calls at all, nor could he make outgoing calls unless funds were placed in his phone account. In-person visits were strictly limited in Florida, and family could only visit for a one-hour period, through plexiglass. During Mr. Ragbir's detention, ICE officers indicated that they were aware of his activism.

70. Mr. Ragbir's counsel filed a petition for Writ of Habeas Corpus on January 11, 2018 in this Court, challenging ICE's detention of Mr. Ragbir as unlawful.

71. On January 29, 2018, this Court granted that petition, ordering his immediate release from detention. The Court noted ICE's abrupt detention was both cruel and unusual.

[W]hen this country allowed petitioner to become a part of our community fabric, allowed him to build a life with and among us and to enjoy the liberties and freedom that come with that, it committed itself to avoidance of unnecessary cruelty when the time came. By denying petitioner these rights, the Government has acted wrongly.

Ragbir, 2018 WL 623557, at *2.

72. This Court also indicated that ICE's motivation for Mr. Ragbir's detention merited further scrutiny:

The Court also notes with grave concern the argument that petitioner has been targeted as a result of his speech and political advocacy on behalf of immigrants' rights and social justice. "[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content."

Id. at *1 n.1 (emphasis added) (quoting *Alvarez*, 567 U.S. at 716).

6. ICE's Ongoing Efforts To Deport Mr. Ragbir

73. Mr. Ragbir was released from detention on January 29, 2018, as a result of the Court's decision. ICE's treatment of Mr. Ragbir was unusual even in the final moments of his detention. Before he was released, ICE officers shackled him once more for the duration of his return from Orange County Correctional Facility in Goshen, New York, to New York City.¹¹ He was then processed for release and personally served a notice to report for deportation on Saturday, February 10, 2018 by Mechkowski at 26 Federal Plaza.

74. Nonetheless, Mr. Ragbir has continued his activism since his release.¹² On January 31, 2018, Mr. Ragbir returned to 26 Federal Plaza, the site of his detention, and led a Jericho walk in protest.¹³ Speaking to a crowd, he stated, "There is a psychological warfare out there and they want us to be weak They want us to cave . . . so our spirits are broken." *Id.*

75. Meanwhile, Defendants continue to employ extraordinary tactics to remove Mr. Ragbir as quickly as possible and without regard to this Court's order holding that Mr. Ragbir

¹¹ *Exclusive: Ravi Ragbir Speaks Out After Being Freed from "Unnecessarily Cruel" ICE Detention*, Democracy Now! (Jan. 30, 2018), https://www.democracynow.org/2018/1/30/exclusive_immigrant_leader_ravi_ragbir_freed.

¹² Kristin Toussaint, *Immigrant rights leader Ravi Ragbir released from ICE detention*, Metro (Jan. 30, 2018), <https://www.metro.us/news/local-news/new-york/immigrant-rights-leader-ravi-ragbir-released-ice>.

¹³ Molly Crane-Newman, *Immigrant activist Ravi Ragbir returns to site of his arrest for Manhattan protest march: "They want us to cave,"* Daily News (Feb. 1 2018), <http://www.nydailynews.com/new-york/manhattan/ravi-ragbir-returns-site-arrest-nyc-protest-march-article-1.3793363>.

was entitled to an orderly departure. In fact, as of today's date, ICE has ordered Mr. Ragbir to check in again on Saturday, February 10, 2018, less than two weeks after the date of this Court's Order, with "one piece of luggage not to exceed 44 pounds."¹⁴

76. ICE's check-in date, February 10, 2018, is notable. It provides Mr. Ragbir less than two weeks from the date of this Court's Order to prepare himself to leave the country where he has lived for over two decades, and where he will leave a wife and daughter. In addition, it is the day after a scheduled hearing on Mr. Ragbir's motion for a stay of his removal pending adjudication of his *coram nobis* petition in the District Court of the District of New Jersey. On information and belief, ICE is aware that the New Jersey District Court has ordered that Mr. Ragbir shall not be removed until it has reached a decision on that motion, and aware that February 9 is a hearing date, and not likely to be the date that the motion is decided.

77. Upon information and belief, it is highly unusual to require an individual to check in or report to ICE on a Saturday, when ICE offices—and courts—are typically closed. Counsel for Mr. Ragbir noted that the Saturday reporting date would impede his access to the courts, and asked for a weekday report date, but this request was rejected.

C. Defendants Have Targeted Numerous Other Immigrant-Rights Activists on the Basis of Their Core Protected Political Speech on Immigration Issues

78. The arrests of Mr. Ragbir and Jean Montrevil are not unique. Rather, under the current Administration, ICE has engaged in a pattern and practice of targeting immigrants who exercised their fundamental First Amendment rights to criticize immigration policy and immigration enforcement.

¹⁴ Letter of Thomas Decker to Alina Das (Feb. 5, 2018).

1. Daniela Vargas

79. On information and belief, on March 1, 2017, in Jackson, Mississippi, ICE agents detained Daniela Vargas, a 22-year-old activist and DACA recipient as she left a news conference where she had spoken alongside other immigration advocacy groups.¹⁵ Vargas had witnessed ICE's arrest of her family the previous month, and was not detained at that time because she explained to the officers that she had DACA status. That status had expired, but Vargas was in the process of applying for renewal. At the conference, she asked President Trump to protect her.

80. ICE agents arrested Vargas minutes after she spoke to reporters outside Jackson City Hall. A person present at the arrest reported that ICE agents opened the car door saying "you know who we are and you know why we're here." Although she had a pending DACA case, ICE agents claimed that she was listed as a "visa overstay" and would have to be detained.¹⁶

2. Migrant Justice

81. On information and belief, ICE has targeted multiple members of Migrant Justice, a community based non-profit organization of Vermont dairy farmworkers and their families. A majority of Vermont dairy workers are immigrants, and Migrant Justice has engaged in campaigns to defend the rights of their members as workers and as immigrants. In particular, Migrant Justice has sought to hold immigration enforcement agencies including ICE accountable for rights violations.

¹⁵ Phil Helsel, *'Dreamer' Applicant Arrested After Calling for Immigrant Protection*, NBC News (Mar. 2, 2017), <https://www.nbcnews.com/news/us-news/dreamer-applicant-arrested-after-calling-immigrant-protections-n727961>.

¹⁶ *ICE Intimidates Latino Community With Arrest of DACA Recipient Practicing Free Speech*, HuffPost (Mar. 3, 2017), https://www.huffingtonpost.com/entry/ice-intimidates-latino-community-with-arrest-of-daca_us_58b9dd6de4b02b8b584dfb6d

82. On April 21, 2016, ICE arrested Jose Victor Garcia Diaz outside a Mexican cultural event in Stowe, Vermont.¹⁷ Mr. Garcia Diaz is a public spokesperson for Migrant Justice's Milk with Dignity campaign. The day before his arrest, he had returned from a gathering of the Food Chain Workers Alliance in Los Angeles, California. Mr. Garcia Diaz represented Vermont farmworkers at the meeting in an effort to build a unified movement for respect for human rights in food supply chains. His immigration removal proceedings are ongoing.

83. On March 17, 2017, the day after Migrant Justice announced an escalation of its Milk with Dignity campaign with respect to Ben & Jerry's, ICE arrested Jose Enrique Balcazar Sanchez shortly after he left a meeting at Migrant Justice's office. ICE had previously identified Balcazar as a target for enforcement.¹⁸ He has been a very visible representative of Migrant Justice and publicly promoted policies to limit ICE's entanglement with local law enforcement. Over the past few years, Balcazar Sanchez has served as one of Migrant Justice's primary spokespeople in its campaigns for driver's licenses and for a fair and impartial policing policy. He served on a task force established to advise the Vermont Attorney General on immigration issues, which resulted in guidance for Vermont cities and towns to limit their role in immigration law enforcement.

84. On March 17, 2017, ICE also arrested Zully Victoria Palacios Rodriguez, who was a passenger in Balcazar Sanchez's car. Palacios Rodriguez is a key Migrant Justice

¹⁷ Compl. ¶ 16, *Migrant Justice v. U.S. Dep't of Homeland Sec.*, No. 17-cv-197 (D. Vt. Oct. 11, 2017).

¹⁸ On September 22, 2016, ICE arrested Miguel Alfredo Alcudia Gamas, another Migrant Justice member. Mr. Alcudia Gamas is also a public spokesperson for Migrant Justice's Milk with Dignity campaign. When ICE arrested Mr. Alcudia Gamas, ICE officers made statements implying that they were targeting a fellow Migrant Justice leader, Jose Enrique Balcazar Sanchez. *Id.* ¶ 18.

organizer. Just prior to her arrest, she had also just left Migrant Justice's office. Notably, Palacios was arrested on the grounds that she had overstayed her visa—a civil violation—by approximately eight months. She was held without bail, which is extremely atypical treatment for an immigrant who has merely overstayed a visa.¹⁹

85. On June 17, 2017, two more Migrant Justice activists were arrested for immigration violations as they returned home from a march for better work conditions. Esau Peché and Yesenia Hernandez participated in the march with approximately 200 others walking from Montpelier Vermont, to a Ben & Jerry's factory in Waterbury. After the March, they drove home to East Franklin, which is north of Waterbury. They were stopped by Border Patrol, arrested and turned over to ICE. A Border Patrol spokesperson stated that the two Mexican nationals "appeared to the agent to have come across the border" and were stopped as part of routine operations.²⁰

86. Migrant Justice is currently engaged in litigation to confirm through a Freedom of Information Act request whether its members have been targeted by ICE because of their advocacy on behalf of migrant workers.²¹

3. Maru Mora Villalpando

87. On information and belief, in December 2017, ICE served Maru Mora Villalpando with a Notice to Appear for removal proceedings.²² Villalpando is a renowned

¹⁹ Milton J. Valencia, *Hundreds in Boston Will Protest Vermont ICE Arrests*, The Boston Globe (Mar. 26, 2017), <https://www.bostonglobe.com/metro/2017/03/26/hundreds-protest-vermont-ice-arrests-boston-monday/MdxOtwc9TP6sVHsgEjEAY/story.html>

²⁰ Elizabeth Murray, *Protesters decry farmworkers' arrest after Ben & Jerry's march* (June 19, 2017), <http://www.burlingtonfreepress.com/story/news/local/vermont/2017/06/19/border-patrol-arrests-2-immigrants-east-franklin/408333001/>.

²¹ Compl., *Migrant Justice, et. al v. United States Dep't of Homeland Security, et. al*, No. 17-cv-197 (D. Vt. Oct. 11, 2017).

immigrants' rights activist in Washington State with no criminal record. She has lived in the United States for 22 years, and during that time, has taken an active and public role in speaking out for immigrant rights.

88. On information and belief, Villalpando was originally admitted to the United States under a tourist visa, and did not leave the country when the visa expired. She has now resided in the United States for over 25 years. She raised a daughter in the United States: Josefina Alanis Mora, who is now a university student. She has no criminal history.

89. On information and belief, Villalpando was well-known to federal officials for many years before she was issued a Notice to Appear. She met with federal officials during the Obama administration, when she helped publicize detainees' hunger strikes and other protests in Washington State. She acted as a spokeswoman for immigrants held at the Northwest Detention Center in Tacoma, Washington. There is no explanation for her ICE's sudden issuance of a Notice to Appear. She explained to the *Washington Post* that, "There's no way for them to know about me except for the work that I do[.]"²³

4. Baltazar Aburto Gutierrez

90. On information and belief, in early December 2017, Baltazar "Rosas" Aburto Gutierrez was detained by an ICE agent who explicitly referenced the fact that he had spoken to a newspapers in November 2017.²⁴ Though his comments were made anonymously in a *Seattle*

²² Maria Sacchetti & David Weigel, *ICE Has Detained or Deported Prominent Immigration Activists*, Washington Post (Jan. 19, 2018), https://www.washingtonpost.com/powerpost/ice-has-detained-or-deported-foreigners-who-are-also-immigration-activists/2018/01/19/377af23a-fc95-11e7-a46b-a3614530bd87_story.html?utm_term=.64d28708d652.

²³ *Id.*

²⁴ Nina Shapiro, *ICE Tracks Down Immigrants Who Spoke to Media in SW Washington: "You Are the One from the Newspaper,"* Seattle Times (Dec. 3, 2017), <https://www.seattletimes>.

Times article, a second article in the *Chinook Observer* referenced his nick-name (“Rosas”).²⁵ In addition, his partner’s full name and details of the ICE action to arrest and deport her were reported in both articles.

91. On information and belief, Gutierrez had commented to the press about the wrenching circumstances of his partner’s arrest by ICE and her deportation to Mexico in November 2017. ICE at that time declined to arrest Gutierrez as well, stating that while his partner had a prior deportation order, he did not.

92. On information and belief, the next month, the agent who arrested Gutierrez approached him again stating, “You are Rosas,” and “You are the one from the newspaper.”²⁶ Gutierrez also stated that the agent told him “My supervisor asked me to come find you because of what appeared in the newspaper.”²⁷ ICE did not explain why the rationale that prevented Gutierrez’s arrest the month before had changed.

5. Eliseo Jurado

93. On information and belief, Eliseo Jurado was born in Mexico and came to the United States as a teenager. His father is a United States citizen; his mother is a green card holder. He is married to Encalada Latorre, a Peruvian woman who has taken sanctuary in churches in Boulder Colorado since December 2016. The couple has two U.S. citizen children. Jurado’s wife, Latorre has been the subject of extensive news coverage since she moved into a local church to avoid deportation.

com/scattle-news/ice-tracks-down-immigrant-who-spoke-to-media-in-sw-washington-you-are-the-one-from-the-newspaper.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

94. On information and belief, although local ICE Field Office Director Jeffrcy Lynch denied that Jurado's arrest was related to his wife's decision to take sanctuary, he confirmed in a statement that Jurado came to the agency's attention during an investigation into Encalada Latorre.²⁸

6. Amer Othman Adi

95. Amer Othman Adi, a 57-year-old businessman, husband and father, arrived in the United States at 19 years old. He was placed into removal proceedings decades ago, accused of entering into a "sham" marriage to secure Lawful Permanent Resident status. Adi was told that he would be deported in 2016, and prepared himself and his United States citizen second-wife for a scheduled departure on January 7 departure. Then, ICE granted a temporary stay that prevented his January 7 deportation.

96. On January 16, 2018, ICE arrested Adi and placed him in detention. To protest his deportation, Adi began a hunger strike. Ohio Democratic congressman Tim Ryan introduced a private bill to grant Adi lawful permanent resident status, which would allow him to remain in the United States. The House Judiciary Subcommittee on Immigration and Border Security approved the private bill, asking ICE to grant Adi a six-month stay of deportation. In an extraordinary move, ICE reversed its prior stay and rejected the congressional request to stay Adi's deportation. Adi was deported to Jordan on January 29, 2018.

7. Immigrant Sanctuaries

97. On information and belief, ICE has also targeted communities that it identifies as "sanctuary cities" to punish those communities for taking legislative, municipal and political

²⁸ John Bear & Jenn Fields, *Husband of Peruvian Woman Taking Sanctuary at Boulder Church Detained by ICE*, The Denver Post (Jan. 11, 2018), <https://www.denverpost.com/2018/01/11/ingrid-encalada-latorre-husband-detained-immigration-boulder-sanctuary>.

action to limit official cooperation with federal immigration enforcement.²⁹ These are communities where activists have successfully lobbied to prevent local government from assisting the federal government in immigration enforcement actions against immigrant residents.

98. In September 2017, ICE announced that it would undertake a series of raids designed to target sanctuary cities, and publically designated the action, “Operation Safe City.” According to ICE, Operation Safe City would target cities and regions “where ICE deportation officers are denied access to jails and prisons to interview suspected immigration violators or jurisdictions where ICE detainees are not honored.”³⁰ Operation Safe City resulted in hundreds of arrests in communities that had taken actions to limit local government’s cooperation with federal immigration enforcement. These communities included New York, Philadelphia, Los Angeles, Boston, Denver, and Portland, Oregon.³¹

99. Following the Operation Safe City raids, on October 5, 2017, California Governor Jerry Brown signed SB54 into law, a statute cancelling almost all state and local cooperation

²⁹ These activities align with broader efforts of the current administration. On January 25, 2017, the President issued an Executive Order entitled, “Enhancing Public Safety in the Interior of the United States.” Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 25, 2017). The Executive Order announces that it is the Executive Branch’s policy to withhold federal funds from “sanctuary jurisdictions,” directs the Attorney General and Secretary of Homeland Security to ensure that sanctuary jurisdictions do not receive federal grants, and directs the Attorney General to take enforcement action against any local entity that “hinders the enforcement of Federal law.” *Id.* at 8801. In July 2017, the Department of Justice increased pressure on sanctuary cities by imposing additional requirements for federal grants. Pete Williams, *Attorney General Sessions Raises Stakes for Sanctuary Cities*, NBC News (July 25, 2017), <https://www.nbcnews.com/politics/politics-news/attorney-general-sessions-raises-stakes-sanctuary-cities-n786546>.

³⁰ ICE, *ICE Arrests over 450 on federal immigration charges during Operation ‘Safe City,’* (Sept. 28, 2017), <https://www.ice.gov/news/releases/ice-arrests-over-450-federal-immigration-charges-during-operation-safe-city>.

³¹ Miriam Jordan, *Immigration Agents Arrest Hundreds in Sweep of Sanctuary Cities*, N.Y. Times (Sept. 28, 2017), <https://www.nytimes.com/2017/09/28/us/ice-arrests-sanctuary-cities.html>.

with federal deportation officers. On information and belief, the statute was the result of, among other things intense lobbying from immigrant rights organizations. The next day , Acting Director Thomas Homan, in direct response to the California legislation, made the following threats in an official statement:

SB54 will negatively impact ICE operations in California by nearly eliminating all cooperation and communication with our law enforcement partners in the state, voiding the delegated authority that the Orange County Sheriff's Office has under the 287g program, and prohibiting local law enforcement from contracting with the federal government to house detainees.

*ICE will have no choice but to conduct at-large arrests in local neighborhoods and at worksites, which will inevitably result in additional collateral arrests, instead of focusing on arrests at jails and prisons where transfers are safer for ICE officers and the community. ICE will also likely have to detain individuals arrested in California in detention facilities outside of the state, far from any family they may have in California.*³²

D. ICE's Retaliatory Enforcement Actions Cause Grave Harm to Plaintiffs

1. Mr. Ragbir

100. Mr. Ragbir's sudden detention has inflicted long-lasting and irreparable harm. The stress of his recent unexpected detention and the prospect of imminent deportation has exacerbated symptoms of depression and post-traumatic stress disorder. Mr. Ragbir's symptoms are also intensified by worry that those who care about him are suffering as well.

101. Nearly all of Mr. Ragbir's family resides in the United States. Mr. Ragbir has not lived in Trinidad in nearly three decades.

³² ICE, Statement from ICE Acting Director Tom Homan on California Sanctuary Law (Oct. 6, 2017), <https://www.ice.gov/news/releases/statement-ice-acting-director-tom-homan-california-sanctuary-law> (emphasis added).

102. If Mr. Ragbir is deported to Trinidad, he will be indefinitely separated from his family and community. Mr. Ragbir's wife and daughter are U.S. citizens and unable to move to Trinidad.

103. Mr. Ragbir is continuing to challenge the basis for his removal. But even in the event that Mr. Ragbir prevails on his challenge, there is no indication that ICE would facilitate his return to the United States.

104. The trauma of deportation to Trinidad will further exacerbate Mr. Ragbir's depression and post-traumatic stress disorder, resulting in long-lasting psychological harm.

2. New Sanctuary Coalition of New York City

105. The Coalition has grown rapidly in the past year, with numerous programs throughout the week providing support and services to immigrant communities. However, as a direct result of ICE's targeting of the Coalition leaders, the organization was deprived of its sole full-time employee and Executive Director, Mr. Ragbir, for several weeks while Mr. Ragbir was in detention, and may lose Mr. Ragbir completely if he is deported.

106. Mr. Ragbir's deportation would be devastating to the Coalition. Mr. Ragbir is the face of NSC, and was the primary point of contact with funders, elected officials, faith leaders, legal services organizations, and community partners. Mr. Ragbir's deportation would greatly diminish NSC's network

107. The sudden execution of Mr. Ragbir's final removal order has made it extremely difficult to maintain the organization's day-to-day administrative activities. Mr. Ragbir is the organization's sole full-time employee. NSC has had to divert immense resources to litigation challenging Mr. Ragbir's imminent deportation.

108. ICE's targeting of critics of federal immigrant-rights advocates has also sown fear in the immigrant community, impeding NSC's pursuit of its mission. NSC staff receive numerous calls from worried immigrants asking whether they should go to their ICE check-ins.

109. In the wake of Mr. Ragbir's and Mr. Montrevil's detentions, both volunteers and recipients of the Coalition's services have expressed fear about attending workshops, clinics, and check-ins and immigration court dates. The Coalition has had to respond to numerous requests for advice and support from these individuals.

110. Immigrants are increasingly reluctant to participate in the Coalition's activities for fear of attracting the attention of ICE authorities.

111. In addition to targeting Mr. Ragbir, ICE's pattern and practice of targeting critics of federal immigration policy against immigrant rights activists has directly impeded the Coalition's ability to carry out its mission. ICE has directly interfered with the Coalition's legal activities in support of immigrants. For example, in the summer of 2017, ICE officers at 26 Federal Plaza began to interfere with the Coalition's accompaniment program by restricting public access to the ICE check-in room at 26 Federal Plaza—thwarting volunteers from the Accompaniment Program who sought to assist immigrants during their check-ins. Even clergy who attempted to accompany people at their check-ins were often turned away.

112. ICE also appears to have surveilled the Coalition's gatherings in an attempt to intimidate its members.³³

³³ Several Coalition members saw evidence of ICE officers surveilling a meeting on the eve of Mr. Ragbir's arrest. In addition, clergy have spoken to ICE officers who appeared to surveil Coalition members at a religious service. Nick Pinto, *No Sanctuary*, The Intercept (Jan. 19, 2018), <https://theintercept.com/2018/01/19/ice-new-sanctuary-movement-ravi-ragbir-deportation/>.

3. National Immigration Project of the National Lawyers Guild

113. NIPNLG has had to expend considerable resources in response to ICE's targeting of the members and leaders of immigration advocacy organizations. For example, NIPNLG provided technical assistance to Villalpando on her removal proceedings when she was served with an NTA by ICE after decades of working without incident as an organizer. Recognizing ICE's pattern and practice of targeting activists, NIPNLG has had to identify and recruit counsel for certain activists that it anticipated would be targets of retaliatory action. NIPNLG has also published several substantial guides and hosted workshops to advise activists in the immigrant rights community of best practices under the Trump Administration, which included preparing a plan of action.³⁴

114. Further, NIPNLG's members—which include Mr. Ragbir and his wife, Amy Gottlieb—have been directly affected by ICE's targeting of immigrant activists.

4. CASA de Maryland

115. Defendants' retaliatory actions have had a highly negative impact on the community that CASA serves, and is also extremely detrimental to the mission and purpose of the organization. ICE's actions will harm CASA's mission in multiple ways and has already forced CASA to divert valuable resources away from its usual activities.

116. CASA has observed ICE targeting members of CASA's community and has responded to more than 50 reported ICE raids over the last year. CASA has seen blatant

³⁴ See, e.g., Julie (Yihong) Mao, Jan Collatz, *Understanding the Federal Offenses of Harboring, Transporting, Smuggling and Encouraging under 8 U.S.C. § 1324(a)* (Sept. 28, 2017), http://www.nipnlg.org/PDFs/practitioners/practice_advisories/pr/2017_28Sep_memo-1324a.pdf; NIPNLG/Mijente, *In Defense of Organizing*, (May 2017), https://www.nationalimmigrationproject.org/PDFs/community/2017_05June_in-defense-of-mijente-en.pdf.

instances of racial profiling, including ICE targeting two Latinos at a convenience store in Baltimore.

117. As CASA raises its profile, including through increasing impact litigation, the risks of CASA's leaders and their families being targeted have increased. Leaders like Missael Garcia and Monica Camacho, two of CASA's most outspoken activists and both plaintiffs in CASA's DACA lawsuit, face potential retaliation for continuing to defend their families and their communities. As they lose protections like DACA and TPS, these leaders become vulnerable to increasingly aggressive ICE enforcement action.

118. Over the past year, ICE has deported several CASA leaders, including Liliana Cruz, Catia Paz, and two young brothers, Diego and Lizandro Claros. All of these leaders had been vocal supporters of CASA and immigration programs like DACA and DAPA. They had received extensive media coverage for their advocacy and engagement with elected officials. Each of them was effectively silenced by ICE through their deportation, which in the case of Diego and Lizandro happened a mere five days after reporting for a routine ICE check-in.

119. The selective targeting of CASA leaders has required an increased dedication of resources to defending these members, including through legal services, organizing and communications. Although CASA will never stop advocating for the community it serves, its mission is inherently negatively affected whenever one of its members, and particularly when one of its leaders, is deported.

120. CASA has had to redirect resources to deal with ICE's increasingly vindictive and unrestrained enforcement activity. CASA has dramatically expanded its Know Your Rights (KYR) presentations across the organization, helping to educate thousands of immigrants over

the past year about their constitutional rights and how to protect their families from immigration enforcement.

121. CASA has restructured its services to deal with the termination of DACA and TPS, and has increased the number of comprehensive immigration screenings it provides to its members, in anticipation of continuing excessive ICE enforcement activity.

122. CASA has significantly expanded its litigation efforts to challenge the Administration's unconstitutional actions against its members and the broader immigrant community. All of these changes have taken resources away from other vital CASA programming and advocacy efforts.

5. New York Immigration Coalition

123. Defendants' targeting of immigrant-rights activists like Mr. Ragbir directly interferes with NYIC's mission of advancing immigrant rights throughout New York. Defendants' retaliatory measures against the Coalition—one of NYIC's own member organizations—weakens NYIC's unified strength as a coalition and spreads fear among the immigrant communities that NYIC serves.

CLAIMS FOR RELIEF

COUNT I

(Retaliation in Violation of the First Amendment)

124. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

125. To sustain a First Amendment retaliation claim, a plaintiff must show “(1) that the speech or conduct at issue was protected, (2) that the defendant took adverse action against the plaintiff, and (3) that there was a causal connection between the protected speech and the adverse action.” *Gonzalez v. Hasty*, 802 F.3d 212, 222 (2d Cir. 2015) (quotation marks omitted).

126. Plaintiffs have engaged in speech protected by the First Amendment. They have criticized U.S. immigration law and policy, organized rallies and protests against the U.S. immigration system, helped noncitizens navigate that system, and urged government officials to change it. Plaintiffs’ speech about U.S. immigration law and policy pertains to matters of public concern and seeks political change. It is therefore entitled to the highest level of protection under the First Amendment.

127. Defendants have taken adverse actions against Plaintiffs. Defendants have detained Mr. Ragbir and seek to deport him. Defendants have deported one of the Coalition’s leaders and are seeking to deport another. And Defendants have engaged in a nationwide pattern and practice of selectively enforcing the immigration laws against immigration-rights activists on the basis of their protected speech regarding U.S. immigration law and policy.

128. There is a causal connection between Plaintiffs’ protected speech and Defendants’ adverse actions. Defendants have selectively enforced the immigration laws against Plaintiffs and their leaders and members on the basis of their protected speech regarding U.S. immigration law and policy.

129. As a result, this Court should declare that Defendants' retaliatory actions violate the First Amendment; enter a preliminary and permanent injunction restraining Defendants from taking any action to effectuate Mr. Ragbir's removal from the United States unless Defendants demonstrate to the Court's satisfaction that such action is untainted by unlawful retaliation; and enter a preliminary and permanent injunction restraining Defendants from selectively enforcing the immigration laws against any individual based on the individual's protected speech regarding U.S. immigration law and policy.

COUNT II
(Content, Viewpoint, and Speaker Discrimination
in Violation of the First Amendment)

130. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

131. Government action that targets speech based on its content is presumptively unconstitutional and is justified only if the Government demonstrates that it is narrowly tailored to serve a compelling state interest. *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015).

132. Defendants' pattern and practice of selectively enforcing the immigration laws against immigration-rights activists on the basis of their protected speech regarding U.S. immigration law and policy targets speech based on its content, does not serve a compelling state interest, and is not narrowly tailored.

133. Government action that targets private speech based on the viewpoint taken by the speaker is unconstitutional. *Matal v. Tam*, 137 S. Ct. 1744 (2017); *Sorrell v. IMS Health Inc.*, 564 U.S. 552 (2011).

134. Defendants' pattern and practice of selectively enforcing the immigration laws against immigration-rights activists on the basis of their protected speech regarding U.S. immigration law and policy targets private speech based on the viewpoint of the speaker.

135. Government action that targets speech based on the identity of the speaker is presumptively unconstitutional and is justified only if the Government demonstrates that it is narrowly tailored to serve a compelling state interest. *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010).

136. Defendants' pattern and practice of selectively enforcing the immigration laws against immigration-rights activists on the basis of their protected speech regarding U.S. immigration law and policy targets speech based on the identity of the speaker, does not serve a compelling state interest, and is not narrowly tailored.

137. As a result, this Court should declare that Defendants' pattern and practice of targeting immigration-rights activists on the basis of their protected speech regarding U.S. immigration law and policy violates the First Amendment; enter a preliminary and permanent injunction restraining Defendants from taking any action to effectuate Mr. Ragbir's removal from the United States unless Defendants demonstrate to the Court's satisfaction that such action is untainted by unlawful discrimination; and enter a preliminary and permanent injunction restraining Defendants from selectively enforcing the immigration laws against any individual based on the individual's protected speech regarding U.S. immigration law and policy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court enter judgment in their favor and:

a. Declare that Defendants' retaliatory enforcement of the immigration laws against against Mr. Ragbir and other immigrant-rights activists on the basis of their protected political speech about U.S. immigration law and policy violates the First Amendment;

b. Declare that Defendants' pattern and practice of discriminatorily enforcing the immigration laws against Mr. Ragbir and other immigrant-rights activists based on the content and viewpoint of their speech and the identity of the speaker violates the First Amendment;

c. Enter a preliminary and permanent injunction restraining Defendants from taking any action to effectuate Mr. Ragbir's removal from the United States unless Defendants demonstrate to the Court's satisfaction that such action is untainted by unlawful retaliation or discrimination against protected speech;

d. Enter a preliminary and permanent injunction restraining Defendants on a nationwide basis from selectively enforcing the immigration laws against any individual—including, without limitation, through investigation, surveillance, detention, deportation, or any other adverse enforcement action—based on the individual's protected political speech about U.S. immigration law and policy;


e. Award Plaintiffs costs and reasonable attorneys' fees; and

f. Order such other relief as this Court may deem just and proper.

February 8, 2018

Respectfully submitted,

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Jessica Rofé, Esq. (JR5231)
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Jeremy Cutting, Legal Intern
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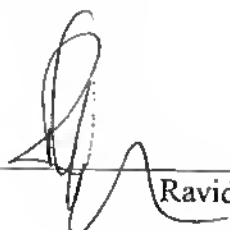
Counsel for Plaintiffs

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Ravidath Ragbir, being duly sworn, deposes and says:

I am Ravidath Ragbir, a plaintiff in the within action; I have read the foregoing Verified Complaint and know the contents thereof; except as to matters therein alleged on information and belief, and except as to matters within the personal knowledge of another plaintiff, I have learned of the facts alleged therein, either through my own personal knowledge or through information reported to me in the ordinary course of business; as to those matters as to which I do not have personal knowledge, I believe them to be true.



Ravidath Ragbir

Sworn to and subscribed this
7th day of February, 2018



Notary Public

Jessica L. Rife
Notary Public, State of New York
No. 0280633783
Qualified in Kings County
Certificate on File in New York County
Commission Expires January 30, 2021

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Kaji Douša, being duly sworn, deposes and says:

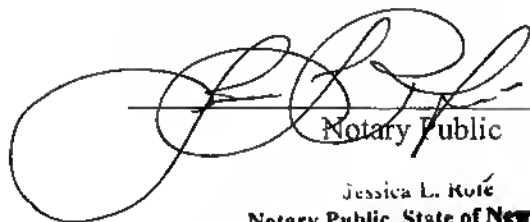
I am co-chair of the New Sanctuary Coalition of New York City, a plaintiff in the within action; I have read the foregoing Verified Complaint and know the contents thereof; except as to matters therein alleged on information and belief, and except as to matters within the personal knowledge of another plaintiff, I have learned of the facts alleged therein, either through my own personal knowledge or through information reported to me in the ordinary course of business; as to those matters as to which I do not have personal knowledge, I believe them to be true.

This verification is made by deponent because plaintiff is an organization.



Rev. Kaji Douša

Sworn to and subscribed this
07 day of February, 2018



Notary Public

Jessica L. Roté
Notary Public, State of New York
No. 02RO6353783
Qualified in Kings County
Certificate on File in New York County
Commission Expires January 30, 2021

From: (b)(6),(b)(7)(C)
To:
Subject: FW: (b)(6),(b)(7)(C)
Date: Tuesday, February 13, 2018 7:25:50 AM

(b)(6),(b)(7)(C)
Deputy Field Office Director
DHS-ICE
New York, NY

From: (b)(6),(b)(7)(C)
Date: Tuesday, Feb 13, 2018, 7:13 AM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: Decker, Thomas (b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C)

Wow....the NY Daily News actually published this....

Financial crimes convict Ravi Ragbir an ill-chosen immigrant icon

Financial crimes convict Ravi Ragbir an ill-chosen immigrant icon

ERROL LOUIS

NEW YORK DAILY NEWS

Tuesday, February 13, 2018, 5:00 AM

Activists who want to replace our unjust, convoluted immigration system with something better should be careful about how they use the difficult case of Ravi Ragbir as a guide for how to change American laws.

The unpleasant truth — which the activist's friends frequently ignore, distort or simply dissemble about — is that Ragbir, a native of Trinidad and Tobago, committed serious crimes in the 1990s that led to a prison sentence and constitute the main reason he is facing deportation.

I feel for Ragbir. By all accounts he is knowledgeable, charismatic and leading a necessary fight to bring sense and compassion to our immigration system. And like most New Yorkers, I strongly favor the granting of permanent legal status for Dreamers, the undocumented residents who were brought here as

children.

But Ragbir's case is very different. In 1994, as an adult, he secured a coveted green card, making him a permanent resident with the right to work. I short order, while working at Household Finance Corp. (which was later acquired by HSBC Bank), he joined a criminal ring that used the stolen identities of unsuspecting people to generate fraudulent mortgage loans, and was arrested in the summer of 1999.

In a signed confession, Ragbir said of the man who recruited him: "He told me that he wanted me to do business with him through my company (HFC) and set up real estate loans for people that he would send to me as referrals. He told me that he wanted to get the money from the loans and would send people to me to use false names and information and offered to me one point of each loan. One point is one-percent of the dollar amount of each loan. I told him that I would do it for him."

Ragbir also said of his partner in crime (who later pleaded guilty): "He is the guy that was running the whole scheme through me at my job . . . between December 1998 and now. He has organized the filing of \$1.5 million worth of fraudulent loans by using me to process the loans through Household Finance and allow others to assume false identities to apply for the loans."

Ragbir's supporters often downplay or mischaracterize these crimes, for which he spent three years in federal prison. Ragbir stipulated that the scheme ripped HFC off for between \$300,000 and \$500,000.

But the fraud didn't just affect a faceless corporation: It was based on identity fraud, which wreaks havoc on the lives of unsuspecting victims.

One of the persons ripped off in the scheme, Mary Mays, died before Ragbir went to trial. Another victim, Muzethel Childs, testified that she had never visited HFC or applied for a loan, but discovered her identity was used to generate a bogus mortgage. Ditto for Sudie Smith, whose stolen identity was part of the case against Ragbir.

One wishes that the activists passionately defending Ragbir would take the time to find the families of Mays, Childs and Smith — who, for all we know, were hardworking immigrants trying to make it in America. I wonder if they have ever been made whole financially.

And Mayor de Blasio was being inaccurate — or too cute by half — when he wrote a letter to the regional director of Immigration and Customs Enforcement requesting that Ragbir be granted long-term legal residency in the U.S.

"In his more than 20 years as a lawful permanent resident in the United States, Mr. Ragbir has made significant contributions to the city's civic life," the mayor wrote. That span includes the time Ragbir was part of the stolen

ID/mortgage fraud ring, as well as the years he spent in prison.

As is his right, Ragbir is exploring every conceivable legal and political angle to remain in the U.S. But the legal fight isn't going well; his conviction was upheld on appeal.

And the latest lawsuit, filed on behalf of Ragbir and other activists, charges they are being unfairly targeted because of their advocacy on behalf of undocumented immigrants. But even that lawsuit acknowledges on page 6 that "plaintiffs here do not challenge underlying orders of removal."

That's an acknowledgement that Ragbir has already had his day in court, and that the removal order will likely remain in place. Here's hoping more immigration activists will step up to complete his mission.

(b)(6),(b)(7)(C)

Assistant Field Office Director
US Immigration & Customs Enforcement
Enforcement & Removal Operations
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From: (b)(6),(b)(7)(C)
To:
Subject: FW: RE:
Date: Tuesday, February 13, 2018 8:58:42 AM

(b)(6),(b)(7)(C)

Deputy Field Office Director
DHS-ICE
New York, NY

From: (b)(6),(b)(7)(C)
Date: Tuesday, Feb 13, 2018, 8:30 AM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: RE:

Amen!

(b)(6),(b)(7)(C)

Supervisory Detention and Deportation Officer
DHS/ICE/ERO
Detained Case Management
201 Varick Street, (b)(6),(b)(7)(C)
New York, NY 10014
Desk: 212-86-(b)(6),(b)(7)(C)
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Email: (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Tuesday, February 13, 2018 8:09 AM
To: (b)(6),(b)(7)(C)
Subject: RE:

Finally some common sense.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Tuesday, Feb 13, 2018, 8:00 AM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject:

Financial crimes convict Ravi Ragbir an ill-chosen immigrant icon

Financial crimes convict Ravi Ragbir an ill-chosen immigrant icon

ERROL LOUIS

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(b)(6);(b)(7)(C)

Deputy Field Office Director
DHS-ICE
New York, NY

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: ES- ERO New York- (b)(6);(b)(7)(C) 02-14-18 jd (3) cleared
Date: Thursday, February 15, 2018 3:11:15 PM
Attachments: ES- ERO New York- (b)(6);(b)(7)(C) 02-14-18 jd (3) cleared.docx

Latest

Page 089

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 090

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 091

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 092

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 093

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

From: (b)(6),(b)(7)(C)
To:
Subject: ES- ERO New York (b)(6),(b)(7)(C) v3 (3)
Date: Thursday, February 15, 2018 9:46:38 AM
Attachments: ES- ERO New York (b)(6),(b)(7)(C) v3 (3).docx

From: (b)(6),(b)(7)(C)
To:
Subject: FW: UPDATED Protest Information
Date: Tuesday, July 31, 2018 6:54:23 PM
Attachments: Anti Trump Protest Spreadsheet 07_31_18 ---.xlsx

FYSA

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Tuesday, Jul 31, 2018, 5:15 PM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: FW: UPDATED Protest Information

FYSA

(b)(6),(b)(7)(C)
Supervisor
Department of Homeland Security
(646) 372 (b)(6),(b)(7)(C) Cell Phone
Sent with BlackBerry Work

From: HSI-NY, <HSI-NY@ice.dhs.gov>
Date: Tuesday, Jul 31, 2018, 17:10
Subject: UPDATED Protest Information

All,

Please see the below listing (full spreadsheet attached) with updated protest information. Please remain vigilant and aware of your surroundings.

31-Jul	10:30	12:00	Rise and Resist	Meet: Bowling Green #4&5 Subway Station then MARCH to Alexander Hamilton Custom House 1 Bowling Green.	"Protest outside the Dept. of Homeland Security conference. Tell speakers VP Pence & DHS Secretary Nielsen to reunite the families seperated through their anti-
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					immigration policies."
31-Jul	12:00	15:00	Refuse Fascism NYC, New Sanctuary Coalition of New York City	Alexander Hamilton Custom House (1 Bowling Green)	"Join 100 Handmaids VS Pence in NYC - Trump/Pence Must Go!"
31-Jul	16:30	19:30	(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) and Science for the People	Microsoft - New York (11 Times Square) then MARCH to Salesforce (3 Bryant Park) then MARCH to Amazon Store (7 W. 34th Street)	"Abolish ICE National Day of Action: #WeWont BeComplicit NYC: Amazon, Microsoft, Trump Tower"
31-Jul	16:30	19:30	NY American Defenders ; The New Jewish Defense League NY.	Microsoft - New York (11 Times Square) then MARCH to Salesforce (3 Bryant Park) then MARCH to Amazon Store (7 W. 34th Street)	COUNTER- PROTEST. "Support ICE, Law Enforcement, The USA, No open borders, Build the wall , nice & tall."
31-Jul	17:30	18:30	Rise and Resist	Gov. Cuomo's Office (633 Third Avenue)	Day 2 Demonstration "Abolish ICE Everywhere: 4 Days of Action Gov. Andrew Cuomo"
31-Jul	18:00	Unk	Young Progressives of America	ICE Detention Center (201 Varick Street)	"Free Edison Press Conference & Rally"
					Protest against

31-Jul	18:30	Unk	Uptown Standing Together	Fort Tryon Park (Billings Lawn)	"Identity Evropa", a white supremacist group that recently hung a banner that stated, "Stop the Invasion, End Immigration".
1-Aug	17:30	18:30	Rise and Resist	Start: Grand Army Plaza then MARCH to Sen Schumer's Residence (9 Prospect Park West)	Day 3 Demonstration "Abolish ICE Everywhere: 4 Days of Action Sen. Chuck Schumer"
2-Aug	17:30	18:30	Rise and Resist	23 Wall Street (opp to Federal Hall)	Day 4 Demonstration "Abolish ICE Everywhere: 4 Days of Action The Profiteers Day"
3-Aug	10:00	11:00	Rise and Resist	United States District Courthouse (500 Pearl Street)	(b)(6),(b)(7)(C) Court Date & Press Conference"
4-Aug	12:00	Unk	Gays Against Gun & NYC Says Enough	Start: Naumburg Bandshell, Central Park (Near West 72nd Street) then MARCH to Consulate General of Russia (9 East 91st Street)	"March on the NRA NYC"
17-Aug	17:00	18:00	New Sanctuary Coalition of NY and (b)(6),(b)(7)(C) and	ICE Detention Center (201	"Bikes Against Deportation

			the Stop Shopping Choir	Varick Street)	Demo"
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HSI NEW YORK

Unity, Sacrifice, Allegiance

Anti-Trump Protest Spreadsheet 07/31/2018

Event #	Date	Day	Start	End	Group/Event	Proposed Location	Reason	Pct	Facebook - Going
1	31-Jul	Tues	10:30	12:00	Rise and Resist	Meet: Bowling Green #4&5 Subway Station then MARCH to Alexander Hamilton Custom House 1 Bowling Green.	"Protest outside the Dept. of Homeland Security conference. Tell speakers VP Pence & DHS Secretary Nielsen to reunite the families seperated through their anti-immigration	1	37
2	31-Jul	Tues	12:00	15:00	Refuse Fascism NYC, New Sanctuary Coalition of New York City	Alexander Hamilton Custom House (1 Bowling Green)	"Join 100 Handmaids VS Pence in NYC - Trump/Pence Must Go!"	1	68

3	31-Jul	Tues	16:30	19:30	(b)(6),(b)(7)(C) and Science for the People	Microsoft - New York (11 Times Square) then MARCH to Salesforce (3 Bryant Park) then MARCH to Amazon Store (7 W. 34th Street)	"Abolish ICE National Day of Action: #WeWontBeComplicit NYC: Amazon, Microsoft, Trump Tower"	MTS	101
4	31-Jul	Tues	16:30	19:30	NY American Defenders ; The New Jewish Defense League NY.	Microsoft - New York (11 Times Square) then MARCH to Salesforce (3 Bryant Park) then MARCH to Amazon Store (7 W. 34th Street)	COUNTER-PROTEST. "Support ICE, Law Enforcement, The USA, No open borders, Build the wall , nice & tall."	MTS	N/A
5	31-Jul	Tues	17:30	18:30	Rise and Resist	Gov. Cuomo's Office (633 Third Avenue)	Day 2 Demonstration "Abolish ICE Everywhere: 4 Days of Action Gov. Andrew Cuomo"	17	31

6	31-Jul	Tues	18:00	Unk	Young Progressives of America	ICE Detention Center (201 Varick Street)	"Free Edison Press Conference & Rally"	1	3
7	31-Jul	Tues	18:30	Unk	Uptown Standing Together	Fort Tryon Park (Billings Lawn)	Protest against "Identity Evropa", a white supremacist group that recently hung a banner that stated, "Stop the Invasion, End Immigration".	34	Unk
8	1-Aug	Wed	17:30	18:30	Rise and Resist	Start: Grand Army Plaza then MARCH to Sen Schumer's Residence (9 Prospect Park West)	Day 3 Demonstration "Abolish ICE Everywhere: 4 Days of Action Sen. Chuck Schumer"	78	30
9	2-Aug	Thur	17:30	18:30	Rise and Resist	23 Wall Street (opp to Federal Hall)	Day 4 Demonstration "Abolish ICE Everywhere: 4 Days of Action The Profiteers Day"	1	37

10	3-Aug	Fri	10:00	11:00	Rise and Resist	United States District Courthouse (500 Pearl Street)	(b)(6);(b)(7)(C) Court Date & Press Conference"	5	78
11	4-Aug	Sat	12:00	Unk	Gays Against Gun & NYC Says Enough	Start: Naumburg Bandshell, Central Park (Near West 72nd Street) then MARCH to Consulate General of Russia (9 East 91st Street)	"March on the NRA NYC"	CPP & 19	8
12	17-Aug	Fri	17:00	18:00	New Sanctuary Coalition of NY and (b)(6);(b)(7)(C) and the Stop Shopping Choir	ICE Detention Center (201 Varick Street)	"Bikes Against Deportation Demo"	1	23

From: (b)(6),(b)(7)(C)
To:
Subject: FW: Updated Preservation Notice - Ragbir v. Vitiello, No. 18-01159 (S.D.N.Y. filed Feb 9, 2018) (Please do not distribute)
Date: Monday, August 13, 2018 8:51:43 AM

(b)(6),(b)(7)(C)

Did you received the below? If yes, will Taskings be sending out a broadcast relating to this topic?

From: OPLA-DCLD_Legal_Hold
Sent: Monday, August 13, 2018 8:27 AM
To: (b)(6),(b)(7)(C)
Subject: Updated Preservation Notice - Ragbir v. Vitiello, No. 18-01159 (S.D.N.Y. filed Feb 9, 2018) (Please do not distribute)

(b)(6),(b)(7)(C)

You must click on the following link to confirm receipt of this Notice: [click here](#)

*This updated preservation notice in the matter of **Ragbir v. Vitiello** is being sent to all those having received the original notice on March 2, 2018. Since then, Plaintiffs filed an Amended Complaint on July 17, 2018, which referenced several additional aliens and their organization. Please re-read the information below and respond to the data-preservation questionnaire accompanying this notice if anything has changed from your first responses, or never never responded originally.*

The purpose of this update is twofold: (1) remind all affected institutions that the litigation is ongoing, and that the duty to preserve the potentially discoverable information described below is also ongoing. If you have additional documents and electronically stored information not previously preserved, please do so now; and (2) specify that this preservation notice includes native to preserve information related to the additional aliens and organization noted (in italics) below.

I am an Associate Legal Advisor with the District Court Litigation Division of the Office of the Principal Legal Advisor (OPLA), U.S. Immigration and Customs Enforcement (ICE). I serve as ICE agency counsel in the referenced matter of **Ragbir v. Vitiello**. You have been identified as someone who has, or may have, information related to this case. **This notice is sensitive (including numerous Alien Numbers on subsequent pages) and may not be distributed outside of ICE.** Please read this notice carefully and distribute it to all ICE employees who you believe may have information subject to this preservation notice, as well as any other subordinates, tech support providers, and other personnel who may have possession of or control over information or evidence about these matters. If an employee has transferred in or out of the listed office, please provide the name of the other office and the date of transfer. The requirement to preserve evidence will then transfer to the new field office where the individual is or was stationed for the remainder of the discovery period.

This case was brought by (b)(6),(b)(7)(C) and five immigrant-rights organizations ("Plaintiffs"). In the litigation, Plaintiffs have alleged that ICE has followed a practice of selectively enforcing the removal of aliens who participate in immigrant-rights activism. Specifically, Plaintiff (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

activism. Plaintiffs also allege that certain other individual immigrant-rights activists have been selectively targeted for removal on the basis of their immigrants-rights activism. Plaintiffs raise one claim of retaliation in violation of the First Amendment and one claim for content, viewpoint, and speaker discrimination in violation of the First Amendment.

ICE is required to preserve all information and evidence about this matter, even if it otherwise could be destroyed, deleted, or overwritten in the normal course of ICE operations. If information that is subject to a litigation hold is destroyed, a court in some circumstances may impose sanctions. Consequently, please preserve all information and evidence related to these plaintiffs, potential plaintiffs of which you may become aware, and this litigation. Specifically, all paper documents, correspondence, electronically stored information (ESI), other information, and tangible evidence related to these allegations,

organizations, and person must be preserved. Examples of ESI might include database files (Microsoft Access, Word, Excel, etc.), e-mails, text messages, instant messages, internet data and files, calendar entries, address book/contact list files, blog posts, short message service ("SMS") messages, social media postings, wiki files, audio files, and video files.

At a minimum, **please preserve all information in your possession related to any of the six named plaintiffs listed below, as well as any of the additional persons and organizations listed who have also become relevant for various reasons.**

Please preserve all such information **from January 1, 2017 to the completion of this litigation.** Searches for relevant information using these names, titles, and alien numbers, would be particularly useful. [Note: Locations following Alien Numbers below indicate areas where immigration proceedings are occurring, or represents last known locations for each respective alien.]

Named Plaintiffs

1. (b)(6),(b)(7)(C)
2. New Sanctuary Coalition of New York City
3. Casa De Maryland, Inc.
4. Detention Watch Network
5. National Immigration Project of the National Lawyers Guild
6. New York Immigration Coalition

Other Identified Individuals, Organizations, and Subjects (*Updated Names in Italics have been Added to the Complaint Since the Original Preservation Notice of March 2, 2018*)

1. (b)(6),(b)(7)(C)
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
25. California Governor Jerry Brown
26. United States Representative Tim Ryan
27. United States Representative Jerrold Nadler
28. United States Representative Luis Guitierrez
29. New York State Senator Gustavo Rivera
30. New York City Council Speaker Corey Johnson
31. New York City Council Member Daniel Dromm
32. New York City Council Member Ydanis Rodriguez
33. New York City Council Member Jumaane Williams
34. Former New York City Council Speaker Melissa Mark-Viverito
35. CASA de Maryland, Inc.'s Know Your Rights Presentations
36. Migrant Justice
37. Migrant Justice's Milk with Dignity Campaign

- 38. Food Chain Workers Alliance
- 39. "Jericho Walks," or other demonstrations outside 26 Federal Plaza or other buildings containing ICE offices
- 40. New Sanctuary Coalition of New York City's Accompaniment Program
- 41. (b)(6),(b)(7)(C)
- 42.
- 43.
- 44.
- 45.
- 46.
- 47.
- 48.
- 49. *Coalition for Human Immigrant Rights ("CHIRLA")*

Until all potential litigation is resolved, ICE employees ***must preserve all information*** related to this matter. The information that must be preserved includes electronically stored information (ESI), hard copies of documents, and tangible things. Again, ESI includes, but is not limited to, computer files of any type (including word processing documents, e-mail messages, spreadsheets, calendar entries, digital photographs or other digital images, floppy discs, CDs, DVDs, and flash memory media, including USB drives and memory cards for cameras and cell phones). It includes not only information stored on agency computers but can also include information stored on home computers, personal laptop computers, PDAs such as Palm Pilots and Blackberries, and mobile phones, if used for work. Examples of hard copy documents that must be retained may include personal or desk files, calendars, notes, correspondence, policies, manuals, or other things relevant to the case. Examples of tangible things may include equipment salvaged from a facility, laboratory samples, specimens, and photographs. All information, including privileged, protected, and confidential information, must be preserved. Preserving information includes marking the information as subject to a litigation hold so that it can be easily identified and separated from the records destruction schedule.

If potentially relevant ESI has not been preserved, please immediately contact your IT staff. Under some circumstances, IT staff may be able to recover information. You should take steps to ensure that ESI is preserved in such a way as to preserve the "metadata" (internal computer data) embedded in the ESI. If you do not understand what this involves, please contact your local IT staff or the Office of the Chief Information Officer (OCIO) to explain it to you and assist with specific problems you may face.

Treat non-identical copies of documents (word processing files, spreadsheets, etc.) as if they were unique and save, at a minimum, the latest version and all versions that were shared with others. Call me to assist you in determining which other intermediate drafts, if any, to save.

If you need to work with any information subject to this hold, you must create a copy of the original, preserve the original and work from the copy. Note that opening an electronic document can change the document's metadata. You must take appropriate steps, if practicable, to create your copy without changing the document's metadata. If you are unsure how to do this, contact your IT staff.

Data destruction and back-up tape recycling policies must be discontinued until the matter is resolved. If you use an auto delete function for any of your data, this function must be disabled for the information related to this case. If you sent or received text messages related to this case with a cellular phone or blackberry, please contact me at the phone number or email address below. I will help you coordinate with OCIO to ensure preservation of these messages.

Please contact me immediately in the event that you are ending your ICE employment, and I will help you make arrangements to ensure that any information and evidence contained on any electronic device you have utilized is preserved. Also, when cleaning out your workspace, any shared drives, and/or any electronic device in preparation of your separation, please be sure that you do not destroy any case-related information and evidence.

If you have reason to believe that a computer, cellular phone, or any other electronic device (including flash drives, shared drives, or external drives) that contains relevant information or evidence may be reformatted or its memory erased, please contact me immediately, and I will help you coordinate with OCIO to ensure that all relevant data is preserved. An example of when you may have a reason to believe that an electronic device may be reformatted or its memory erased is when you exchange, return, or discontinue the use of an assigned computer, cellular phone, or other electronic device that has been issued to you.

Because the duty to preserve relevant information and evidence continues until you are notified that the case is concluded, please be mindful of the fact that information and evidence that is created or obtained by ICE employees *in the future* must

also be retained. Accordingly, please be sure to distribute this memorandum to employees who may create case-related information or evidence in the future, including new employees, transferees, or employees who have been reassigned.

Failure to preserve and retain information may result in sanctions against ICE. Consequently, if you are unsure whether certain information should be preserved, err on the side of caution and preserve the information until you have spoken to me about it. Please be sure that this memorandum is distributed to all personnel in your office who may have been involved in, or have information pertaining to, this matter. You are also advised to document the specific actions your office takes in response to this letter.

Finally, if you have any questions about your obligation to preserve, please contact me (b)(6);(b)(7)(C) Associate Legal Advisor, at (202) 731-(b)(6);(b)(7)(C) or by email at (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: Decker, Thomas (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc:
Subject: Interesting Articles that may have been missed
Date: Thursday, August 02, 2018 5:30:38 PM

1. **Newark-Star Ledger Op Ed by ERO-Newark FOD Tsoukaris:**

https://www.nj.com/opinion/index.ssf/2018/08/im_a_director_at_ice_stop_putting_politics_before.html

2. **Another Dive into the Ugly 2019 DHS Funding Bill:**

<https://cis.org/Cadman/Another-Dive-Ugly-2019-DHS-Funding-Bill>:

[T]he funds approved are very different from what the administration requested. The mostly non-immigration part of ICE, Homeland Security Investigations (HSI), is given about 17 percent more funding than the administration requested, while Enforcement and Removal Operations (ERO), which handles deportations, is given 19 percent less than requested.

I cannot think of a greater slap in the face to the men and women of ERO, who may be performing the hardest, most politicized work in federal law enforcement today: ensuring compliance with statutes that draw the ire of leftists, and putting the ERO agents themselves into the cross-hairs as a result.

Yet how have their ostensible compatriots and colleagues in HSI reacted? By publicly whining about having to do immigration enforcement, calling the president an idiot, and at the leadership level doing everything that they can to sidestep immigration enforcement work and throwing ERO under the bus by seeking to have the agency cleaved in half so that HSI agents no longer have to explain to recalcitrant state and local agencies in sanctuary jurisdictions why they are "different" from ERO.

And how does Congress react to this bizarre set of circumstances? By passing meaningless resolutions in favor of the hard work that ERO agents do daily, and are vilified for. But when the chips are down, where does the House Appropriations bill send the money to? The prima donnas.

3. **Judge who freed pizza guy slams Trump's 'zero tolerance' policy:**

<https://nypost.com/2018/08/01/judge-who-freed-pizza-guy-slams-trumps-zero-tolerance-policy/>

4. **What the Movement to Abolish ICE Looks Like on the Ground:**

<https://theslotjezebel.com/what-the-movement-to-abolish-ice-looks-like-on-the-ground-1827825182>

In New York City earlier in June, during an #OccupyICENYC protest in which people blocked the entrance to an ICE processing facility in downtown Manhattan, groups like the New Sanctuary Coalition and Make the Road New York were dismayed after ICE retaliated by no longer allowing detained immigrants to appear directly before a judge, instead teleconferencing people in for their court hearings. "It was well-intentioned, but if you block that, you are doing away with a tiny slice of due process that they still have," said New Sanctuary's (b)(6);(b)(7)(C) The encampment, in consultation with local activist groups, soon moved.

5. **The Abolish ICE Movement Explained:**

<https://www.commondreams.org/views/2018/08/01/abolish-ice-movement-explained>

From: (b)(6),(b)(7)(C)
To:
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 12:12:40 PM
Sensitivity: Confidential

No worries at all. It's high opstempo all around for everyone!

Vr

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Acting Assistant Director
Office of Intelligence
Homeland Security Investigations

202-732-(b)(6),(b)(7)(C) desk
202-276-(b)(6),(b)(7)(C) cell

aut viam inveniam aut faciam

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:10 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Importance: High
Sensitivity: Confidential

Very Sorry for the BLAST, I just should have quality controlled before hitting send...

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:08 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Sensitivity: Confidential

(b)(6),(b)(7)(C) thanks. This is very good info.

For future traffic on this, please be sure to add JIQC-ICE@ice.dhs.gov instead of the ICE-Watch_Event_Notification. That distro is a pound distro that the JIOC uses to send its daily threat rollup reports, and its membership includes hundreds of people across the agency, including all of its senior leaders (D1, DD, EADs HSI/ERO, SACs, FODs, et etc).

Stay safe, and please let us know if Intel HQ can assist in any way.

Vr

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director
Office of Intelligence
Homeland Security Investigations

202-732- (b)(6);(b)(7)(C) desk
202-276- (b)(6);(b)(7)(C) cell

aut viam inveniam aut faciam

From: (b)(6);(b)(7)(C)

Sent: Tuesday, July 24, 2018 12:06 PM

To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>

Cc: Decker, Thomas (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) FNY_TASKING <FNY_TASKING@ice.dhs.gov> (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Shanahan, Christopher (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: ICE Protests in the NYC area

Importance: High

Sensitivity: Confidential

This email is to inform you of a planned protest at the ERO NYC Area. The protest is being coordinated by approximately 40 different groups located throughout the NYC area.

*****INTEL*****

24-Jul

Tues

9:00

12:00

Free (b)(6);(b)(7)(C)

New York Federal Courthouse (500 Pearl Street)

"Free (b)(6);(b)(7)(C) Rally at the Court"

5

24-Jul

Tues

19:00

Unk

Occupy ICE NYC

Foley Square

"Abolition Music Fest"

Ø Date: Tuesday, July 24, 2018

Event: ABOLITION MUSIC FEST!

Time: 1900 Hours

Location: Foley Square, New York, NY

Command: 5th Precinct

Organizer: Occupy ICE NYC

Event Details:

Facebook Event Page: <https://www.facebook.com/events/446173295861170/>

[cid:image002.png@01D42335.24F19D00]

Ø The Facebook event page lists the following potential attendance figures:

ü 26 listed as Going

::

::

::

26-Jul

Thur

17:30

0:00

The Legal Aid Society, New Sanctuary Coalition of NY, Immigrant Defense Project, et al.

26 Federal Plaza

"Deportee Suitcase Solidarity March"

5

Ø Date: Thursday, July 26, 2018

Event: DEPORTEE SUITCASE SOLIDARITY MARCH

Time: 1730 x 0000 (Midnight) Hours

Location: 26 Federal Plaza, New York, NY

Command: 5th Precinct

Organizer(s): The Legal Aid Society; New Sanctuary Coalition of New York City; Immigrant Defense Project; Detention Watch Network; Families Belong Together; NYU Sanctuary;

(b)(6),(b)(7)(C) And The Stop Shopping Choir; et al.

Event Details:

Facebook Event Page: <https://www.facebook.com/events/1907934025896733/>

[cid:image006.png@01D42335.24F19D00]

Ø The Facebook event page lists the following potential attendance figures:

ü 385 listed as Going - HIGH.

ü 1,259 listed as Interested

Ø Below is a transcript of the Facebook event details:

A SUITCASE

The deportation machine has many layers. We invite you to join us in an action that will bring to light one such layer-invisible to many-that profoundly marks the lives of our friends,

our neighbors.

When Immigration and Customs Enforcement (ICE) orders our Friends deported, their loved ones can pack one 25 lb suitcase for them. Each day, people in our communities must pack such a suitcase and submit it to ICE for inspection. When they drop off these suitcases with ICE, they cannot see their loved one to say goodbye.

Some of our friends and neighbors are deported to countries they left as children, where they know no one and may not speak the language. It may be a place with little opportunity, where their sexuality is criminalized, where there is war or drought. They often face grave danger.

We are asking you to think about one person-someone you love-and imagine packing their suitcase before they were deported to a country where you might never see them again. The suitcase is everything your loved one will leave with; the suitcase contains the belongings they will start over with. We invite you to think about this choice: what objects, what pieces of clothing, what photos, what books, what letters what would you pack?

Members of our communities, our neighbors, have to make these choices every day. They have to think in these terms. They have to pack one suitcase for their loved ones.

On July 26th, at 5:30 PM, we will gather at 26 Federal Plaza in New York City to honor those who have been deported and their loved ones-and to make visible this form of invisible violence.

We ask that you bring ONE (1) OBJECT YOU WOULD PACK in your love's suitcase to 26 Federal Plaza, as we shed a light onto the deportation machine that continues to cause violence and suffering on our communities.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |

U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza (b)(6),(b)(7)(C) New York, NY 10278
(b)(6),(b)(7)(C)
PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Cc: JIOC-ICE; (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 12:09:11 PM
Sensitivity: Confidential

(b)(6),(b)(7)(C)

Per our conversation please use the above email address for the JIOC. Thanks, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:06
To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>
Cc: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) FNY_TASKING <FNY_TASKING@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Shanahan, Christopher (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: ICE Protests in the NYC area

Importance: High

Sensitivity: Confidential

This email is to inform you of a planned protest at the ERO NYC Area. The protest is being coordinated by approximately 40 different groups located throughout the NYC area.

*****INTEL*****

24-Jul

Tues

9:00

12:00

Free (b)(6);(b)(7)(C)

New York Federal Courthouse (500 Pearl Street)

"Free (b)(6);(b)(7)(C) Rally at the Court"

5

24-Jul

Tues

19:00

Unk

Occupy ICE NYC

Foley Square

"Abolition Music Fest"

5

Ø Date: Tuesday, July 24, 2018

Event: ABOLITION MUSIC FEST!
Time: 1900 Hours
Location: Foley Square, New York, NY
Command: 5th Precinct
Organizer: Occupy ICE NYC

Event Details:

Facebook Event Page: <https://www.facebook.com/events/446173295861170/>

[cid:image002.png@01D42335.24F19D00]

Ø The Facebook event page lists the following potential attendance figures:

ü 26 listed as Going

::

::

::

26-Jul

Thur

17:30

0:00

The Legal Aid Society, New Sanctuary Coalition of NY, Immigrant Defense Project, et al.

26 Federal Plaza

"Deportee Suitcase Solidarity March"

5

Ø Date: Thursday, July 26, 2018

Event: DEPORTEE SUITCASE SOLIDARITY MARCH

Time: 1730 x 0000 (Midnight) Hours

Location: 26 Federal Plaza, New York, NY

Command: 5th Precinct

Organizer(s): The Legal Aid Society; New Sanctuary Coalition of New York City; Immigrant Defense Project; Detention Watch Network; Families Belong Together; NYU Sanctuary (b)(6);(b)(7)(C) And The Stop Shopping Choir; et al.

Event Details:

Facebook Event Page: <https://www.facebook.com/events/1907934025896733/>

[\[cid:image006.png@01D42335.24F19D00\]](#)

Ø The Facebook event page lists the following potential attendance figures:

ü 385 listed as Going - HIGH.

ü 1,259 listed as Interested

Ø Below is a transcript of the Facebook event details:

A SUITCASE

The deportation machine has many layers. We invite you to join us in an action that will bring to light one such layer-invisible to many-that profoundly marks the lives of our friends, our neighbors.

When Immigration and Customs Enforcement (ICE) orders our Friends deported, their loved ones can pack one 25 lb suitcase for them. Each day, people in our communities must pack such a suitcase and submit it to ICE for inspection. When they drop off these suitcases with ICE, they cannot

see their loved one to say goodbye.

Some of our friends and neighbors are deported to countries they left as children, where they know no one and may not speak the language. It may be a place with little opportunity, where their sexuality is criminalized, where there is war or drought. They often face grave danger.

We are asking you to think about one person-someone you love-and imagine packing their suitcase before they were deported to a country where you might never see them again. The suitcase is everything your loved one will leave with; the suitcase contains the belongings they will start over with. We invite you to think about this choice: what objects, what pieces of clothing, what photos, what books, what letters what would you pack?

Members of our communities, our neighbors, have to make these choices every day. They have to think in these terms. They have to pack one suitcase for their loved ones.

On July 26th, at 5:30 PM, we will gather at 26 Federal Plaza in New York City to honor those who have been deported and their loved ones-and to make visible this form of invisible violence.

We ask that you bring ONE (1) OBJECT YOU WOULD PACK in your love's suitcase to 26 Federal Plaza, as we shed a light onto the deportation machine that continues to cause violence and suffering on our communities.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C), New York, NY 10278

(b)(6),(b)(7)(C)

PH: 212-238

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 12:07:57 PM
Sensitivity: Confidential

(b)(6),(b)(7)(C) thanks. This is very good info.

For future traffic on this, please be sure to add JIIOC-ICE@ice.dhs.gov instead of the ICE-Watch_Event_Notification. That distro is a pound distro that the JIIOC uses to send its daily threat rollup reports, and its membership includes hundreds of people across the agency, including all of its senior leaders (D1, DD, EADs HSI/ERO, SACs, FODs, et etc).

Stay safe, and please let us know if Intel HQ can assist in any way.

Vr

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Acting Assistant Director
Office of Intelligence
Homeland Security Investigations

202-732-(b)(6),(b)(7)(C) desk
202-276-(b)(6),(b)(7)(C) cell

aut viam inveniam aut faciam

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:06 PM
To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>
Cc: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) FNY_TASKING <FNY_TASKING@ice.dhs.gov>; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Shanahan, Christopher (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: ICE Protests in the NYC area

Importance: High

Sensitivity: Confidential

This email is to inform you of a planned protest at the ERO NYC Area. The protest is being coordinated by approximately 40 different groups located throughout the NYC area.

*****INTEL*****

24-Jul

Tues

9:00

12:00

Free

(b)(6);(b)(7)(C)

New York Federal Courthouse (500 Pearl Street)

"Free (b)(6);(b)(7)(C) Rally at the Court"

5

24-Jul

Tues

19:00

Unk

Occupy ICE NYC

Foley Square

"Abolition Music Fest"

5

Ø Date: Tuesday, July 24, 2018

Event: ABOLITION MUSIC FEST!

Time: 1900 Hours

Location: Foley Square, New York, NY

Command: 5th Precinct

Organizer: Occupy ICE NYC

Event Details:

Facebook Event Page: <https://www.facebook.com/events/446173295861170/>

[cid:image002.png@01D42335.24F19D00]

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26-Jul

Thur

17:30

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The Legal Aid Society, New Sanctuary Coalition of NY, Immigrant Defense Project, et al.

26 Federal Plaza

"Deportee Suitcase Solidarity March"

5

Ø Date: Thursday, July 26, 2018

Event: DEPORTEE SUITCASE SOLIDARITY MARCH

Time: 1730 x 0000 (Midnight) Hours

Location: 26 Federal Plaza, New York, NY

Command: 5th Precinct

Organizer(s): The Legal Aid Society; New Sanctuary Coalition of New York City; Immigrant Defense Project; Detention Watch Network; Families Belong Together; NYU Sanctuary; (b)(6);(b)(7)(C) And The Stop Shopping Choir; et al.

Event Details:

Facebook Event Page: <https://www.facebook.com/events/1907934025896733/>

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ü 1,259 listed as Interested

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When Immigration and Customs Enforcement (ICE) orders our Friends deported, their loved ones can pack one 25 lb suitcase for them. Each day, people in our communities must pack such a suitcase and submit it to ICE for inspection. When they drop off these suitcases with ICE, they cannot see their loved one to say goodbye.

Some of our friends and neighbors are deported to countries they left as children, where they know no one and may not speak the language. It may be a place with little opportunity, where their sexuality is criminalized, where there is war or drought. They often face grave danger.

We are asking you to think about one person-someone you love-and imagine packing their suitcase before they were deported to a country where you might never see them again. The suitcase is everything your loved one will leave with; the suitcase contains the belongings they will start over with. We invite you to think about this choice: what objects, what pieces of clothing, what photos, what books, what letters what would you pack?

Members of our communities, our neighbors, have to make these choices every day. They have to think in these terms. They have to pack one suitcase for their loved ones.

On July 26th, at 5:30 PM, we will gather at 26 Federal Plaza in New York City to honor those who have been deported and their loved ones-and to make visible this form of invisible violence.

We ask that you bring ONE (1) OBJECT YOU WOULD PACK in your love's suitcase to 26 Federal Plaza, as we shed a light onto the deportation machine that continues to cause violence and suffering on

our communities.

(b)(6),(b)(7)(C)

Deputy Field Office Director

New York Field Office

Department of Homeland Security |

U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations

26 Federal Plaza (b)(6),(b)(7)(C) New York, NY 10278

(b)(6),(b)(7)(C)

PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 12:27:51 PM
Sensitivity: Confidential

Send Shanahan to be the ICE spokesman!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Tuesday, Jul 24, 2018, 12:05 PM
To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>
Cc: Decker, Thomas (b)(6),(b)(7)(C)
FNY_TASKING <FNY_TASKING@ice.dhs.gov>, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) [Shanahan, Christopher] (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

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This email is to inform you of a planned protest at the ERO NYC Area. The protest is being coordinated by approximately 40 different groups located throughout the NYC area.

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(b)(6);(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6);(b)(7)(C) New York, NY 10278

(b)(6);(b)(7)(C)

PH: 212-238-(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To:
Subject:
Date: Thursday, February 15, 2018 9:43:58 AM
Attachments: (b)(6);(b)(7)(C) Proposed Joint Motion to Reopen and Remand Cover Letter and G-28s.pdf
(b)(6);(b)(7)(C) Declaration.pdf
JMR denial 01-11-18.pdf
Original Scheduling Order and Stay of Removal.pdf
verified complaint.pdf
Original Scheduling Order and Stay of Removal.pdf
Importance: High
Sensitivity: Confidential

More to follow

(b)(6);(b)(7)(C)
Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6);(b)(7)(C) New York, NY 10278
PH: 212-238-(b)(6);(b)(7)(C)

IMMIGRANT RIGHTS CLINIC
WASHINGTON SQUARE LEGAL SERVICES, INC.
NEW YORK UNIVERSITY SCHOOL OF LAW
245 SULLIVAN STREET, 5TH FLOOR
NEW YORK, NEW YORK 10012
TEL: 212-998-6430
FAX: 212-995-4031

(b)(6),(b)(7)(C)

Supervising Attorneys

(b)(6),(b)(7)(C)

Legal Interns

Wen-Ting Cheng, Chief Counsel
U.S. Department of Homeland Security
Immigrations and Customs Enforcement
Office of the Chief Counsel
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY, 10278

December 7, 2017

(b)(6),(b)(7)(C)

Re:

(b)(6),(b)(7)(C)

Request to Join Motion to Reopen and Remand

Dear Chief Counsel Cheng,

We represent Respondent (b)(6),(b)(7)(C) in his ongoing immigration case. We appreciate your willingness to speak with us about this case in the past, and we hope that we might meet again to discuss a new opportunity that has arisen to find a permanent resolution to (b)(6),(b)(7)(C) case.

As you know, over the years we have attempted to challenge the designation of (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

I. Family Background and Procedural History

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) is not inadmissible under INA § 212(a). These arguments were previously presented to the Board but it declined to exercise its sua sponte authority at the time.

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

We would appreciate the opportunity to speak with you further regarding this request. If you are amenable to meeting in person to discuss this, we will gladly make ourselves available any time in December that would be convenient to you. Because (b)(6);(b)(7)(C) stay expires in January (unless renewed, as we hope it will be, by Director Decker), we hope that we may speak soon if possible. We can be contacted via email at (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) Thank you for your consideration.

Sincerely,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Student Representative
Student Representative

Immigrant Rights Clinic
Washington Square Legal Services
New York University School of Law

Enclosures:

Form G-28, Notice of Entry of Appearance

Proposed Joint Motion to Reopen and Remand Proceedings and attached Exhibits A-LL



**Notice of Entry of Appearance
as Attorney or Accredited Representative**

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

**Part 1. Information About Attorney or
Accredited Representative**

1. USCIS ELIS Account Number (if any)

▶

**Name and Address of Attorney or Accredited
Representative**

2.a. Family Name (Last Name)

2.h. Given Name (First Name)

2.c. Middle Name

3.a. Street Number and Name

3.h. Apt. ☐ Ste. ☐ Flr. ☒

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

4. Daytime Telephone Number

5. Fax Number

6. E-Mail Address (if any)

7. Mobile Telephone Number (if any)

**Part 2. Notice of Appearance as Attorney or
Accredited Representative**

This appearance relates to immigration matters before
(Select only one box):

1.a. ☐ USCIS

1.b. List the form numbers

2.a. ☒ ICE

2.b. List the specific matter in which appearance is entered

3.a. ☐ CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at
the request of:

4. Select only one box:

☐ Applicant ☐ Petitioner ☐ Requestor

☒ Respondent (ICE, CBP)

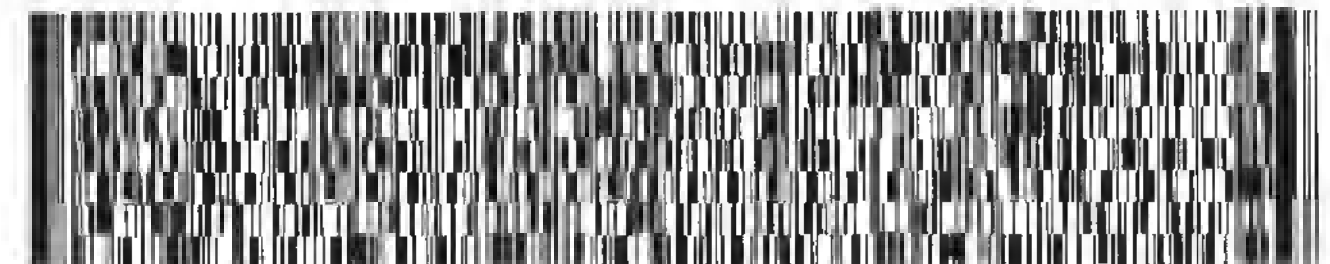
**Information About Applicant, Petitioner,
Requestor, or Respondent**

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



**Information About Applicant, Petitioner,
Requestor, or Respondent (continued)**

7. USCIS E-File Account Number (if any)
8. Alien Registration Number (A-Number) or Receipt Number
9. Daytime Telephone Number
10. Mobile Telephone Number (if any)
11. E-Mail Address (if any)

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

- 12.a. Street Number and Name (b)(6);(b)(7)(C)
- 12.h. Apt. ☒ Ste. ☐ Flr. ☐ (b)(6);(b)(7)(C)
- 12.e. City or Town (b)(6);(b)(7)(C)
- 12.i. State (b)(6);(b)(7)(C) 12.e. ZIP Code (b)(6);(b)(7)(C)
- 12.f. Province
- 12.g. Postal Code
- 12.li. Country
USA

Select all applicable items.

- I.a. ☒ I am an attorney eligible in practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use **Part 6**.)

Licensing Authority

N.Y. App. Div. 2d Dept.

- 1.b. Bar Number (if applicable)

(b)(6);(b)(7)(C)

- I.c. Name of Law Firm

Washington Square Legal Serv.

- 1.d. I (choose one) ☒ am not ☐ am

subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. *(If you need additional space, use Part 6.)*

- 2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, as recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

- 2.b. Name of Recognized Organization

- 2.c. Date accreditation expires

(uuu/ell/vwvw) ►

Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. ☐ I am associated with

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

I. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☒ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3. (b)(6);(b)(7)(C) Requestor, or

3.b. Date of Signature (mm/dd/yyyy) 12/01/2017

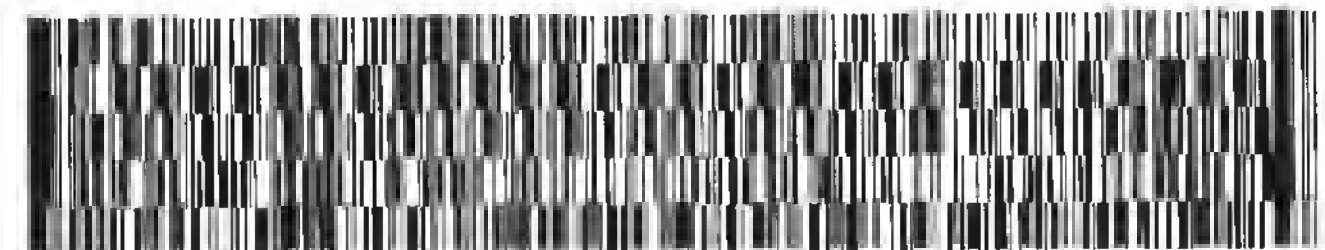
Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. (b)(6);(b)(7)(C) representative

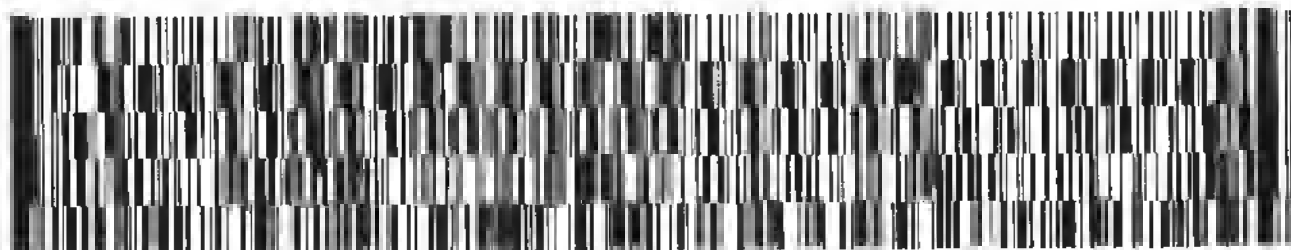
2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) 12/7/2017



Part 6. Additional Information

Use the space provided below to provide additional information pertaining to **Part 3, Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)

[illegible]

Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

(b)(6);(b)(7)(C)

9. Daytime Telephone Number

91756 (b)(6);(b)(7)(C)

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name (b)(6);(b)(7)(C)

12.b. Apt. ☒ Ste. ☐ Flr. ☐ (b)(6);(b)(7)(C)

12.c. City or Town (b)(6);(b)(7)(C)

12.d. State (b)(6);(b)(7)(C)

12.e. ZIP Code (b)(6);(b)(7)(C)

12.f. Province

12.g. Postal Code

12.h. Country
USA

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)

Licensing Authority

N.Y. App. Div, 2d Dept.

1.b. Bar Number (if applicable)

(b)(6);(b)(7)(C)

1.c. Name of Law Firm

Washington Square Legal Serv.

1.d. I (choose one) ☒ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

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2.b. Name of Recognized Organization

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Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. ☐ I am associated with

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.h.** or **Item Numbers 2.a. - 2.c.** in **Part 3.** (whichever is appropriate).

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1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address unless you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☒ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3. (b)(6), (b)(7)(C) er, Requestor, or

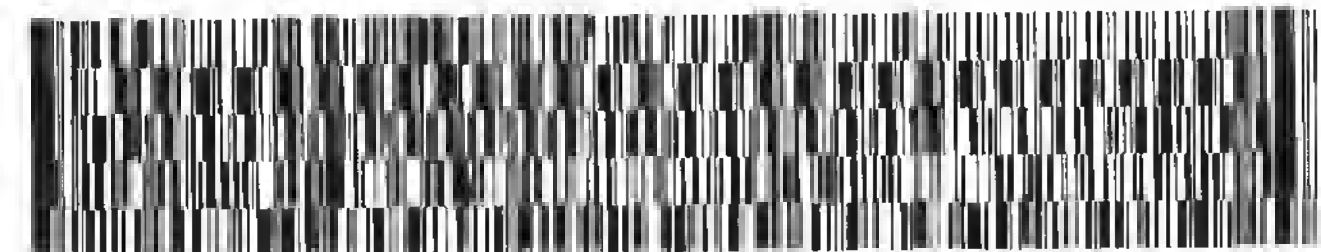
3.b. Date of Signature (mm/dd/yyyy) 12/01/2017

Part 5. Signature of Attorney or Accredited Representative

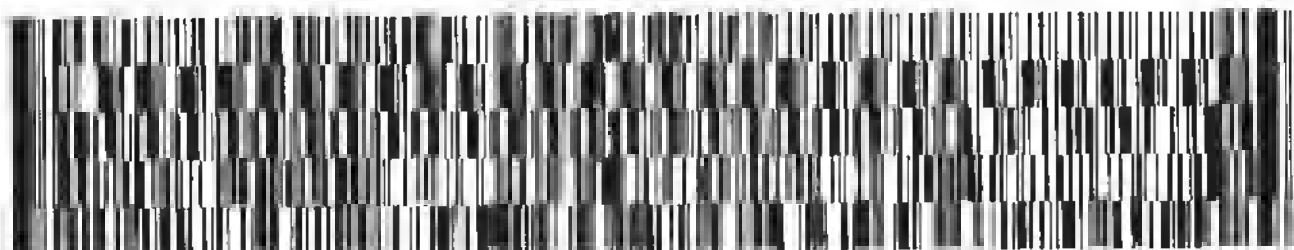
I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

(b)(6), (b)(7)(C) representative

3. Date of Signature (mm/dd/yyyy) 12/07/2017



Use the space provided below to provide additional information pertaining to **Part 3, Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)

[illegible]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAVIDATH LAWRENCE RAGBIR,

Petitioner,

v.

JEFFERSON SESSIONS III, ET AL.

Respondents.

Civil Action No. 18-cv-236 (KBF)

DECLARATION OF DEPUTY FIELD OFFICE
DIRECTOR SCOTT MECHKOWSKI

Pursuant to 28 U.S.C. § 1746, I, Scott Mechkowski, hereby declare as follows:

1. I am a Deputy Field Office Director at U.S. Immigration and Customs Enforcement ("ICE") within the U.S. Department of Homeland Security ("DHS"). Since December 2016, I have served in this capacity, and I have been an ICE and legacy Immigration and Naturalization Service employee since April 1996. As a Deputy Field Office Director, I provide support for the Field Office Director and supervise several Assistant Field Office Directors, among others, in managing the cases of aliens who are in immigration proceedings or who are subject to orders of removal.
2. I have prepared this declaration at the request of the U.S. Attorney's Office, Southern District of New York, in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, Ravidath Lawrence Ragbir ("Ragbir"). Ragbir has been assigned the following Alien Number: 044 248 862. The following representations are based on my personal knowledge, as well as my review of Ragbir's administrative file, consultation with my colleagues, and ICE electronic records and databases.
3. From January 11, 2018 to January 18, 2018, ICE detained Ragbir at the Krome Service Processing Center in Miami, Florida. Since January 18, 2018, Ragbir has been detained

the Orange County Correctional Facility in Goshen, New York. Since January 11, 2018, Ragbir has been detained in ICE custody pursuant to Immigration and Nationality Act (“INA”) section 241, 8 U.S.C. § 1231.

4. Ragbir is a native and citizen of Trinidad and Tobago.

5. On February 15, 1994, Ragbir was admitted to the United States as a lawful permanent resident (“LPR”).

6. On September 12, 2001, after a jury trial, Ragbir was convicted in the U.S. District Court for the District of New Jersey (“DNJ”) of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, and wire fraud, in violation of 18 U.S.C. §§ 1343 and 2. The district court sentenced Ragbir to a total of 30 months’ imprisonment and ordered restitution in the amount of \$350,001. In 2002, Ragbir exhausted his direct criminal appeals at the U.S. Court of Appeals for the Third Circuit and at the U.S. Supreme Court.

7. On May 22, 2006, ICE arrested and detained Ragbir. On May 22, 2006, ICE also served Ragbir with a Notice to Appear (“NTA”), the charging document used to commence removal proceedings, charging him as removable pursuant to two charges of INA section 237(a)(2)(A)(iii), 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien with a conviction for an aggravated felony; specifically, in relevant part, an offense that involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000, as defined in INA section 101(a)(43)(M)(i), 8 U.S.C. § 1101(a)(43)(M)(i), and an attempt or conspiracy to commit an aggravated felony, as defined in INA section 101(a)(43)(U), 8 U.S.C. §§ 1101(a)(43)(U).

8. At a June 7, 2006 master calendar hearing, Ragbir admitted all the allegations in the NTA except for the allegation relating to his 2001 convictions. At a July 10, 2006 master calendar hearing, an Immigration Judge sustained the charges in the NTA. At a July 31, 2006

master calendar hearing, Ragbir did not submit any applications for relief from removal and the Immigration Judge deemed all applications waived. On August 4, 2006, the Immigration Judge issued a written decision sustaining the NTA allegation relating to Ragbir's conviction and the charges of removability, and ordering Ragbir removed to Trinidad and Tobago.

9. Ragbir filed an appeal of the Immigration Judge's decision to the Board of Immigration Appeals ("BIA"). On March 14, 2007, the BIA dismissed Ragbir's appeal. On March 23, 2007, Ragbir filed in the U.S. Court of Appeals for the Second Circuit ("Second Circuit") a petition for review of his removal order and a motion for a stay of removal.

10. In February 2008, ICE released Ragbir from detention because his Second Circuit petition for review and motion for a stay of removal remained pending (which triggered forbearance).

11. On April 7, 2010, Ragbir reported to ICE as required.

12. On July 7, 2010, Ragbir reported to ICE as required.

13. On August 12, 2010, the Second Circuit issued a summary order and judgment denying Ragbir's petition for review and denying as moot his motion for a stay of removal.

14. On September 8, 2010, Ragbir reported to ICE as required.

15. On October 18, 2010, Ragbir reported to ICE as required.

16. On November 22, 2010, the Second Circuit denied Ragbir's petitions for rehearing and for a rehearing en banc. On January 5, 2011, the Second Circuit issued its mandate. In October 2011, the U.S. Supreme Court denied Ragbir's petition for a writ of certiorari.

17. On November 30, 2011, Ragbir reported to ICE as required.

18. On January 4, 2012, ICE granted Ragbir an administrative stay of removal, effective until December 22, 2012. In connection with the administrative stay, ICE required Ragbir to continue to report on an order of supervision.

19. On January 5, 2012, Ragbir reported to ICE as required.

20. On February 1, 2012, Ragbir submitted to ICE a request for a joint motion to reopen his proceedings. On March 8, 2012, ICE informed Ragbir that it would decline his request for a joint motion to reopen his proceedings.

21. On March 16, 2012, Ragbir filed with the BIA a motion to reconsider.

22. On April 5, 2012, Ragbir report to ICE as required.

23. On May 15, 2012, the BIA denied Ragbir's motion to reconsider. The BIA also construed Ragbir's motion as a motion to reopen proceedings but denied the construed motion to reopen. On June 12, 2012, Ragbir filed with the Second Circuit a petition for review of the BIA's decision on his motion.

24. On July 3, 2012, Ragbir reported to ICE as required.

25. On November 30, 2012, Ragbir filed in DNJ a petition for a writ of coram nobis challenging his conviction.

26. On December 5, 2012, Ragbir reported to ICE as required.

27. On January 7, 2013, ICE initially denied Ragbir's request for an administrative stay of removal. However, in February 2013, ICE granted Ragbir's request for an administrative stay of removal, effective until February 14, 2014.

28. On May 7, 2013, Ragbir reported to ICE as required.

29. On October 8, 2013, Ragbir reported to ICE as required.

30. On January 31, 2014, Ragbir renewed his request for an administrative stay of removal. ICE approved an extension of Ragbir's administrative stay of removal until February 10, 2015. However, ICE later extended the administrative stay of removal until March 10, 2016.

31. On April 22, 2014, Ragbir reported to ICE as required.

32. On December 9, 2015, Ragbir submitted another request for an administrative stay of removal. In January 2016, ICE extended Ragbir's administrative stay until January 19, 2018.

33. On March 3, 2016, DNJ entered an order granting the stipulated voluntary dismissal without prejudice of Ragbir's petition for a writ of coram nobis.

34. On March 4, 2016, the Second Circuit issued a summary order dismissing Ragbir's petition for review of the BIA's denial of his motion.

35. On March 10, 2016, Ragbir reported to ICE as required.

36. On May 3, 2016, the Second Circuit issued its mandate.

37. On February 22, 2017, Ragbir filed in DNJ a second petition for a writ of coram nobis challenging his conviction. This petition remains pending before DNJ.

38. On March 9, 2017, Ragbir reported to ICE as required.

39. On April 5, 2017, Ragbir reported to ICE as required.

40. On November 16, 2017, Ragbir filed with ICE a request for an administrative stay of removal.

41. On December 7, 2017, Ragbir submitted to ICE a second request for a joint motion to reopen proceedings.

42. On January 3, 2018, ICE obtained a travel document for Ragbir from the Consulate of Trinidad and Tobago, which was valid from January 7, 2018 until January 14, 2018.

43. On January 8, 2018, the declarant met with Ragbir's attorney, Alina Das. On that date, the declarant informed Das that no decision had yet been made on Ragbir's request for an administrative stay of removal and that ICE was still reviewing the application. Ragbir and Das were to return to 26 Federal Plaza, New York, New York 10278 ("26 Federal Plaza") on January 11, 2018 for an update on his request for an administrative stay of removal. Due to construction on the 9th floor of 26 Federal Plaza, the declarant suggested that the meeting take place instead on the 10th floor of 26 Federal Plaza.

44. On January 11, 2018, ICE denied Ragbir's request for an administrative stay of removal. That same day, ICE also declined to join Ragbir's request for a joint motion to reopen proceedings, and decided to revoke Ragbir's release on an order of supervision and his existing administrative stay of removal.

45. On January 11, 2018, Ragbir, Das, and Ragbir's wife met with the declarant on the 10th Floor of 26 Federal Plaza. At that meeting, the declarant informed the parties that after reviewing Ragbir's case, including his positive equities and mitigating circumstances, ICE had denied his request for an administrative stay. The declarant also informed the parties that Ragbir's order of supervision would therefore be revoked, and that Ragbir would be taken back into ICE custody for the purpose of removal to Trinidad and Tobago. The declarant and the parties engaged in a discussion regarding the reasons for the denial of the administrative stay and the re-detention for removal. Ragbir's attorney raised Ragbir's pending coram nobis and request for a presidential pardon, and mentioned a forthcoming motion to reopen at the BIA. She also

asked if ICE would place Ragbir on a bracelet. Ragbir's wife also spoke. The declarant stated that there were no legal impediments to removal and Ragbir would be taken into custody to effectuate his removal. At that time, approximately 5-10 minutes into the meeting, Ragbir appeared to lose consciousness. He was given water and a nurse was called to attend to him and check his vitals. The nurse arranged for an ambulance after Ragbir requested to go to the hospital. The declarant arranged for the ambulance to be brought into the parking garage at 26 Federal Plaza in order to facilitate Ragbir's transfer to a hospital.

46. Ragbir was taken to Bellevue Hospital in New York, New York. After Bellevue Hospital discharged Ragbir, ICE officers transported him to Newark International Airport, where ICE had scheduled him on a 4:13 p.m. flight to Miami, Florida, in anticipation of his removal on January 12, 2018 to Trinidad and Tobago.

47. On January 11, 2018, Ragbir filed in the U.S. District Court for the Southern District of New York ("SDNY") a petition for habeas corpus and a motion for an order to show cause. That same day, SDNY issued an order restraining ICE from transferring Ragbir from the jurisdiction of the New York Field Office of Enforcement and Removal Operations and a temporary stay of Ragbir's removal.

48. After learning of SDNY's order, ICE put Ragbir's removal on hold and arranged for Ragbir to be detained at the Krome Service Processing Center in Miami, Florida.

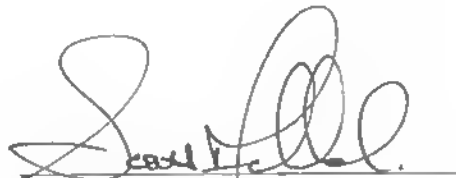
49. On January 11, 2018, Ragbir also filed in his pending DNJ petition for a writ of coram nobis motions for an order to show cause and for an emergency stay of removal. That same day, DNJ issued an order to show cause and a temporary stay of removal from the United States for 14 days (until January 25, 2018).

50. On January 11, 2018, Ragbir also filed with the BIA a motion to reopen proceedings sua sponte and an emergency motion for a stay of removal. These motions remain pending.

51. On January 18, 2018, ICE transferred Ragbir to the Orange County Correctional Facility in Goshen, New York, where he currently remains detained pending removal.

52. Because Ragbir's travel document expired on January 14, 2018, ICE will work with the Consulate of Trinidad and Tobago to obtain another travel document once the stays of removal have been lifted.

Executed at New York, New York
this 19 day of January, 2018.

A handwritten signature in black ink, appearing to read "Scott Mechkowski", written over a horizontal line.

Scott Mechkowski
Deputy Field Office Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza. (b)(6);(b)(7)(C)

New York, NY 10278



**U.S. Immigration
and Customs
Enforcement**

January 11, 2018

(b)(6);(b)(7)(C)

Immigrant Rights Clinic
Washington Square Legal Services, Inc.
New York University School of Law
245 Sullivan Street, 5th Floor
New York, NY 10012

Via E-Mail: (b)(6);(b)(7)(C)

Re: Request for a Joint Motion to Reopen - (b)(6);(b)(7)(C)

Dear Ms. (b)(6);(b)(7)(C)

The Department of Homeland Security ("Department") is in receipt of your December 7, 2017, request for a joint motion to reopen removal proceedings for (b)(6);(b)(7)(C). However, after careful review of your submission, relevant case law and (b)(6);(b)(7)(C) administrative file, the Department declines to join in your motion.

Regards,

A handwritten signature in black ink, appearing to read "Wen-Ting Cheng", with a large, loopy flourish extending from the bottom right.

Wen-Ting Cheng
Chief Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ravulath Lawrence RAGBIR

Petitioner:

vs

Jefferson SESSIONS III, in his official capacity as the Attorney General of the United States; Kirstjen NIELSEN in her official capacity as Secretary of Homeland Security; Thomas DECKLER, in his official capacity as New York Field Office Director for U.S. Immigration and Customs Enforcement; Szymon MECHKOWSKI, in his official capacity as Assistant New York Field Office Director for U.S. Immigration and Customs Enforcement; and the U.S. DEPARTMENT OF HOMELAND SECURITY

Respondents

Case No.

PETITIONER'S APPLICATION
FOR ORDER TO SHOW
CAUSE IN SUPPORT OF
PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

Upon consideration of Petitioner's Application for Issuance of Order to Show Cause pursuant to 28 U.S.C. § 2241; the Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and the Declaratory Judgment Act, 28 U.S.C. § 2201; and the accompanying declarations and exhibits, IT IS HEREBY ORDERED that:

1. Respondents shall file a return on the Order to Show Cause why the Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief should not be granted by 1/12/18 4:00 PM (KBF)
2. ~~Petitioner shall have an opportunity to file a reply by~~
3. This matter shall be heard by this Court on January 1/12/18 at 4 pm. (KBF)

4. Pending consideration, Respondents ARE HEREBY RESTRAINED from transferring Petitioner from the jurisdiction of the New York Field Office of the Office of Enforcement and Removal Operations;
5. Pending consideration, Petitioner's removal from the United States is TEMPORARILY STAYED;
6. And such other and further relief as the Court may find appropriate;
7. Service of this Order shall be effected by Petitioner on the United States Attorney for the Southern District of New York by 5:00 am on 1/11, 2018 and shall constitute good and sufficient service.

IT IS SO ORDERED.

1/11/18
DATED

KBF
UNITED STATES DISTRICT JUDGE
Part 1

From: (b)(6),(b)(7)(C)
To:
Subject: RE: ASH Wednesday
Date: Wednesday, February 14, 2018 10:39:20 AM
Sensitivity: Confidential

I'll pass.

From: (b)(6),(b)(7)(C)
Sent: Wednesday, February 14, 2018 10:37 AM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: ASH Wednesday
Sensitivity: Confidential

Nice, that saves us the trip of going over to the church. I certainly hope they won't discriminate against ICE officers.

(b)(6),(b)(7)(C)
Assistant Field Office Director
Non-Detained Case Management/Bonds
Ofc: (212) 264 (b)(6),(b)(7)(C)
Cell: (646) 358 (b)(6),(b)(7)(C)

"Destiny is not a matter of chance, it is a matter of choice; it is not a thing to be waited for, it is a thing to be achieved."

Winston Churchill

From: (b)(6),(b)(7)(C)
Sent: Wednesday, February 14, 2018 10:32 AM
To: (b)(6),(b)(7)(C)
Subject: RE: ASH Wednesday
Sensitivity: Confidential

On Wednesday, February 14, 2018 (Ash Wednesday), a demonstration will be held in front of 26 Federal Plaza by the New Sanctuary Coalition of New York City.
New Sanctuary Coalition clergy will gather in front of ICE offices at 26 Federal Plaza to offer ashes to all who pass by, as a symbol of solidarity with individuals facing deportation as well as their families.

God's Love Crosses Borders: Ash Wednesday at ICE Offices

Precinct: 5th Precinct
Event Date: Wednesday, February 14, 2018
Time: 1000 – 1300 hours
Location: 26 Federal Plaza (opposite Foley Square)
Organizer/s: New Sanctuary Coalition of New York City

From: (b)(6);(b)(7)(C)

Sent: Wednesday, February 14, 2018 7:33 AM

To: (b)(6);(b)(7)(C)

Subject: ASH Wednesday

Importance: High

Sensitivity: Confidential

Let me know if you are going to get ashes today, let's go across the street before the meeting if you're interested

(b)(6);(b)(7)(C)

Deputy Field Office Director

New York Field Office

Department of Homeland Security |

U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations

26 Federal Plaza (b)(6);(b)(7)(C) New York, NY 10278

PH: 212-238 (b)(6);(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Subject: RE: Assistance
Date: Thursday, February 15, 2018 9:09:54 AM
Importance: High

I am familiar with those cases... please call my desk...

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:09 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Assistance

The two A #'s are (b)(6),(b)(7)(C) I can call you and discuss the allegation briefly now, or give you some time to look into things on your end. Let me know what's better for you.

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:06 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Assistance
Importance: High

(b)(6),(b)(7)(C)

I will be available until noon then be available after 13:30. Do you have any case information you can provide?

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278
PH: 212-238-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:05 AM
To: (b)(6),(b)(7)(C)
Subject: Assistance

DFOD (b)(6),(b)(7)(C)

I received your information from OPR Jersey City. We, OPR Fairfax, VA, received an allegation that touches on two arrests made out of the ERO NYFO. I was wondering if you had sometime available to discuss this case with me today. I have an interview at 1000 today, but other than that I should be free. Please let me know if you are available for a quick call or feel free to contact me on my phone numbers listed below.

Thank you in advance,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Special Agent
Office of Professional Responsibility
Department of Homeland Security, ICE
Office: (703) 877-(b)(6),(b)(7)(C)
Cell: (646) 773-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To: Decker, Thomas
Subject: RE: ES- ERO New York (b)(6),(b)(7)(C)
Date: Friday, February 09, 2018 12:51:43 PM
Importance: High

Yes!

From: Decker, Thomas
Sent: Friday, February 09, 2018 12:27 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ES- ERO New York- (b)(6),(b)(7)(C)

Thanks (b)(6),(b)(7)(C) just to confirm - FPS and everyone was advised that tomorrow was canceled?

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 12:19 PM
To: (b)(6),(b)(7)(C)
Cc: Decker, Thomas; (b)(6),(b)(7)(C)
Subject: ES- ERO New York- (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Please see attached ES, the subjects surrender for tomorrow has been postponed and re-scheduled for March 15, 2018.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza (b)(6),(b)(7)(C) New York, NY 10278
PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Cc: Decker, Thomas; (b)(6),(b)(7)(C)
Subject: RE: ES- ERO New York (b)(6),(b)(7)(C)
Date: Friday, February 09, 2018 12:21:55 PM

10-4, thank you (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Detention and Deportation Officer
Domestic Operations Division-East; NYC, Newark, Buffalo
ICE ERO Headquarters
500 12th Street SW Washington, DC 20536 202-732-(b)(6),(b)(7)(C) desk) 202-246-(b)(6),(b)(7)(C) (cell)

From: (b)(6),(b)(7)(C)
Date: Friday, Feb 09, 2018, 12:19 PM

To: (b)(6),(b)(7)(C)
Cc: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Subject: ES- ERO New York (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Please see attached ES, the subjects surrender for tomorrow has been postponed and re-scheduled for March 15, 2018.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278
PH: 212-238-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C) Decker, Thomas (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) most recent HO Cleared ES
Date: Thursday, February 15, 2018 4:06:14 PM

Thanks

(b)(6),(b)(7)(C)

Acting Deputy Field Office Director
ICE/ERO/NYC
212-863 (b)(6),(b)(7)(C)
973-332 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Date: Thursday, Feb 15, 2018 2:59 PM
To: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C) most recent HQ Cleared ES

Good afternoon ERO NYC-

Please see attached and keep for your records. For future updates, please use this version. Thank you.

Respectfully,

(b)(6),(b)(7)(C)

Detention and Deportation Officer
Domestic Operations Division-East: NYC, Newark, Buffalo
ICE ERO Headquarters
500 12th Street SW Washington, DC 20536 202-732 (b)(6),(b)(7)(C) (desk) 202-246 (b)(6),(b)(7)(C) (cell)

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From: Cheng, Wen-Ting
To: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) Coram Nobis DNJ
Date: Wednesday, February 14, 2018 7:28:30 AM

Not yet.

Wen Cheng
Chief Counsel - New York
USDHS/ICE

* Sent via iPhone *

From: (b)(6);(b)(7)(C)
Date: Wednesday, Feb 14, 2018, 7:03 AM
To: Cheng, Wen-Ting (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) Coram Nobis DNJ

Anyword?

From: Cheng, Wen-Ting
Sent: Friday, February 09, 2018 7:25 PM
To: Decker, Thomas; (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: (b)(6);(b)(7)(C) Coram Nobis DNJ

(b)(6);(b)(7)(C)

Please be advise that the district court in NJ held a hearing on the stay motion in the Coram Nobis case, but did not making a ruling. Therefore, the temporary stay in that matter remains in place. We will advise when a decision is issued.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6);(b)(7)(C) or via SECTOR

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

*** Warning *** Attorney/Client Privilege *** Attorney Work Product ***

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Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

From: (b)(6),(b)(7)(C)
To: Decker, Thomas
Subject: RE: ES- ERO New York- (b)(6),(b)(7)(C)
Date: Friday, February 09, 2018 12:51:43 PM
Importance: High

Yes!

From: Decker, Thomas
Sent: Friday, February 09, 2018 12:27 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ES- ERO New York- (b)(6),(b)(7)(C)

Thanks (b)(6),(b)(7)(C) just to confirm - FPS and everyone was advised that tomorrow was canceled?

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 12:19 PM
To: (b)(6),(b)(7)(C)
Cc: Decker, Thomas (b)(6),(b)(7)(C)
Subject: ES- ERO New York (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Please see attached ES, the subjects surrender for tomorrow has been postponed and re-scheduled for March 15, 2018.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278
PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Subject: RE: HPR Op Plan for Saturday, February 10, 2018
Date: Friday, February 09, 2018 9:57:46 AM

No , not needed operation cancelled

(b)(6),(b)(7)(C)

Deputy Field Office Director
DHS-ICE
New York, NY

From: (b)(6),(b)(7)(C)
Date: Friday, Feb 09, 2018, 8:34 AM
To: (b)(6),(b)(7)(C)
Subject: FW: HPR Op Plan for Saturday, February 10, 2018

?

(b)(6),(b)(7)(C)

Assistant Field Office Director
US Immigration & Customs Enforcement
Enforcement & Removal Operations
New York Field Office
(212)863- (b)(6),(b)(7)(C) desk
(646)201- (b)(6),(b)(7)(C) cell

(b)(6),(b)(7)(C)

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From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 8:31 AM
To: (b)(6),(b)(7)(C)
Cc:
Subject: RE: HPR Op Plan for Saturday, February 10, 2018

Good morning (b)(6),(b)(7)(C)

This removal flight scheduled for tomorrow, February 10, 2018, has been cancelled.

Thank you for your assistance in this matter.

Regards,

(b)(6),(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement
Telephone: (212) 264- (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 08, 2018 12:41 PM
To: (b)(6),(b)(7)(C)
Subject: FW: HPR Op Plan for Saturday, February 10, 2018

Hey (b)(6),(b)(7)(C)

See below question from the CBP Attaché in (b)(6),(b)(7)(C) Do you know and if not, can you find out.

Thanks,

(b)(6),(b)(7)(C)
Assistant Attaché
US Embassy-Kingston Jamaica
Department of Homeland Security
Immigration and Customs Enforcement
Desk: 876-702- (b)(6),(b)(7)(C)
Cell: 876-550- (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 8, 2018 12:27 PM
To: (b)(6),(b)(7)(C)
Subject: RE: HPR Op Plan for Saturday, February 10, 2018

Thanks (b)(6),(b)(7)(C) Seeing that ERO expects significant media attention, does your PAO have a press release ready to go if Post request something from DHS? I ask only because it has come up before.

Regards,

(b)(6),(b)(7)(C)
Senior CBP Advisor/DHS Attaché
Office of International Affairs
Embassy of the United States
(b)(6),(b)(7)(C)
202-704- (b)(6),(b)(7)(C) (Mobile)
868-310- (b)(6),(b)(7)(C) (Local DOS Phone)
(b)(6),(b)(7)(C)

“Strengthening DHS/CBP Global Engagement”

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 08, 2018 1:05 PM
To: (b)(6),(b)(7)(C)
Cc: Immigration.cio@gov.tt; Immigration.piarco@gov.tt; Intelligenceunit@customs.gov.tt; compt@customs.gov.tt; (b)(6),(b)(7)(C)

Subject: FW: HPR Op Plan for Saturday, February 10, 2018

Good afternoon Sgt. (b)(6),(b)(7)(C)

ICE is attempting this removal again, the itinerary is attached. The Officers will hand the individual over to the proper authorities (b)(6),(b)(7)(C)

Subject's information is as follows:

ALIEN INFO

(b)(6),(b)(7)(C)

DEPORT GROUNDS: FINAL REMOVAL ORDER; CONVICTED WIRE FRAUD
JUSTIFICATION FOR ESCORTS: HPR; MEDIA ATTENTION

ESCORTING OFFICERS:

OFFICER1: (b)(6),(b)(7)(C)

OFFICER2:

OFFICER3:

TRAVEL ITINERARY

DP: 2/10/2018; NEW YORK, NY, USA; 1605 HR; BW 525

(b)(6),(b)(7)(C)

v/r

(b)(6),(b)(7)(C)

Assistant Attaché

US Embassy (b)(6),(b)(7)(C)

Department of Homeland Security

Immigration and Customs Enforcement

Desk: 876-702 (b)(6),(b)(7)(C)

Cell: 876-550

From: (b)(6),(b)(7)(C)

Sent: Monday, February 5, 2018 1:08 PM

To: (b)(6),(b)(7)(C)

Cc:

Subject: HPR Op Plan for Saturday, February 10, 2018

Good afternoon AAR (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Please feel free to contact me if you have any questions.

Thank you,

(b)(6),(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement
Telephone: (212) 264-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Cc:
Subject: RE: Latest (b)(6),(b)(7)(C) Statement
Date: Friday, February 09, 2018 11:12:17 AM
Importance: High

Thank you!

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 11:12 AM
To: (b)(6),(b)(7)(C); Decker, Thomas; (b)(6),(b)(7)(C)
Subject: RE: Latest (b)(6),(b)(7)(C) Statement

(b)(6),(b)(7)(C)

Thanks,

(b)(6),(b)(7)(C)
Assistant Field Office Director
U.S. Immigration and Customs Enforcement
Telephone: (212) 264-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 11:03 AM
To: Decker, Thomas; (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: RE: Latest (b)(6),(b)(7)(C) Statement
Importance: High

ALCON-

(b)(6),(b)(7)(C),(b)(5)

(b)(6),(b)(7)(C)
Please verify ASAP

From: Decker, Thomas
Sent: Friday, February 09, 2018 10:58 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Latest (b)(6),(b)(7)(C) Statement

(b)(6),(b)(7)(C)

I haven't had any interaction from him and/or his attorney. However I have received written requests from local politicians (not answered).

Please check with (b)(6),(b)(7)(C) as they may have additional information if any contact was made to the office/staff.

Thanks, (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 10:47 AM
To: Decker, Thomas; (b)(6),(b)(7)(C)
Subject: FW: Latest (b)(6),(b)(7)(C) Statement
Importance: High

Gentlemen,

Please see below question from the PAO, I'm calling her now

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 10:24 AM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: FW: Latest (b)(6),(b)(7)(C) Statement
Importance: High

Good morning (b)(6),(b)(7)(C)

HQ is looking to send a statement regarding a new lawsuit by (b)(6),(b)(7)(C). I want to ensure the release from custody was the last interaction. Is there any additional update in his case?

(b)(6),(b)(7)(C)

Public Affairs Officer
U.S. Immigration and Customs Enforcement
New York HSI/ERO/OPLA/OPR
(646) 313 (b)(6),(b)(7)(C) office
(646) 648 (b)(6),(b)(7)(C) cell

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 10:16 AM
To: (b)(6),(b)(7)(C)
Subject: RE: Latest (b)(6),(b)(7)(C) Statement
Importance: High

Disregard this, I found our previously-cleared stuff. We've now released him, right?
Is the below accurate?

STATEMENT:

(b)(6),(b)(7)(C),(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

Press Secretary
Office of Public Affairs
U.S. Immigration and Customs Enforcement
Mobile: 202-595-(b)(6);(b)(7)(C)
Desk: 202-732-(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, February 09, 2018 10:05 AM
To: (b)(6);(b)(7)(C)
Subject: Latest (b)(6);(b)(7)(C) Statement

Can you send me the latest quote and/or statement on the (b)(6);(b)(7)(C) case? He has apparently filed a lawsuit. I'm checking with OPLA about what we can say...

Thanks!

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Press Secretary
Office of Public Affairs
U.S. Immigration and Customs Enforcement
Mobile: 202-595-(b)(6);(b)(7)(C)
Desk: 202-732-(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: Decker, Thomas
To: Cheng, Wen-Ting; (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7) Coram Nobis DNJ
Date: Friday, February 09, 2018 7:27:05 PM

Thank you!

Sent with BlackBerry Work
(www.blackberry.com)

From: Cheng, Wen-Ting (b)(6);(b)(7)(C)
Date: Friday, Feb 09, 2018, 7:24 PM
To: Decker, Thomas (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: (b)(6);(b)(7)(C) Coram Nobis DNJ

Tom,

Please be advise that the district court in NJ held a hearing on the stay motion in the Coram Nobis case, but did not making a ruling. Therefore, the temporary stay in that matter remains in place. We will advise when a decision is issued.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278
(212) 264- (b)(6);(b)(7)(C) or via SECTOR

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From: Cheng, Wen-Ting
To: (b)(6),(b)(7)(C) Decker, Thomas
Cc:
Subject: RE: (b)(6),(b)(7)(C) First Amendment claim
Date: Thursday, February 15, 2018 10:01:01 AM

Not yet. It is still under review by the SG's office.

(b)(6),(b)(7)(C),(b)(5)

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

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From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:51 AM
To: Cheng, Wen-Ting; Decker, Thomas
Cc: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment claim
Importance: High

Wen-

Thank you, Has the Solicitor General appealed this ruling by the Judge?

From: Cheng, Wen-Ting
Sent: Thursday, February 15, 2018 9:35 AM
To: Decker, Thomas; (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C) First Amendment claim

Tom, (b)(6),(b)(7)(C)

Good news – The district court has denied plaintiff's motion to assign the First Amendment case/preliminary injunction to Judge Forrest. Plaintiffs had argued that this is a "related case" to the habeas and should stay with Judge Forrest. The USAO opposed. The assigned judge is Judge P. Kevin Castel and the assigned magistrate is Judge Andrew Peck.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264- (b)(6),
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From: (b)(6),(b)(7)(C)
To: Cheng, Wen-Ting
Subject: RE: (b)(6),(b)(7)(C) First Amendment claim
Date: Thursday, February 15, 2018 2:10:02 PM
Importance: High

Thank you Wen!!

From: Cheng, Wen-Ting
Sent: Thursday, February 15, 2018 2:09 PM
To: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) - First Amendment claim

Also, just a heads up – we won't have a decision on the stay motion (preliminary injunction) by (b)(6),(b)(7)(C) and the temp stay will remain in place. Just wanted you to know in case you are making efforts to obtain a TD.

The reply brief is due on (b)(6),(b)(7)(C) and the AUSA says the judge will hold a hearing on the motion before rendering a decision. We don't have a hearing date yet but hope it will be soon after the briefs are due. We'll advise as soon as the judge sets a hearing date.

(b)(6),(b)(7)(C);(b)(5)

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

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From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 9:51 AM
To: Cheng, Wen-Ting; Decker, Thomas
Cc: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment claim
Importance: High

Wen-

Thank you, Has the Solicitor General appealed this ruling by the Judge?

From: Cheng, Wen-Ting
Sent: Thursday, February 15, 2018 9:35 AM
To: Decker, Thomas; (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C) - First Amendment claim

Tom, (b)(6),(b)(7)(C)

Good news – The district court has denied plaintiff's motion to assign the First Amendment case/preliminary injunction to Judge Forrest. Plaintiffs had argued that this is a "related case" to the habeas and should stay with Judge Forrest. The USAO opposed. The assigned judge is Judge P. Kevin Castel and the assigned magistrate is Judge Andrew Peck.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

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From: Cheng, Wen-Ting
To: (b)(6),(b)(7)(C) Decker, Thomas
Cc: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7) First Amendment claim
Date: Friday, February 16, 2018 9:21:49 AM

Thanks (b)(6),(b)(7)(C) Just to clarify – this is a hearing on the motion for preliminary injunction (stay); not the First Amendment claim itself. We don't know if the judge will rule from the bench that day, but it is possible.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

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From: (b)(6),(b)(7)(C)
Sent: Friday, February 16, 2018 9:18 AM
To: Cheng, Wen-Ting; Decker, Thomas
Cc: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment claim

Wen

Thank you , i will discuss with Tom on Monday.

(b)(6),(b)(7)(C)
Deputy Field Office Director
DHS-ICE
New York, NY

From: Cheng, Wen-Ting (b)(6),(b)(7)(C)
Date: Friday, Feb 16, 2018, 9:00 AM
To: Decker, Thomas (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment claim

(b)(6);(b)(7)(C)

Tom (b)(6);(b)(7)(C)

Judge Castel has scheduled a hearing on the Preliminary Injunction motion for (b)(6);(b)(7)(C) a.m. If I recall correctly, (b)(5) has a reporting on that date. (b)(5)

(b)(5) Thank you.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278
(212) 264 (b)(6);(b)(7)(C) or via SECTOR

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From: Cheng, Wen-Ting
Sent: Thursday, February 15, 2018 9:35 AM
To: Decker, Thomas (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: (b)(6);(b)(7)(C) - First Amendment claim

Tom, (b)(6);(b)(7)(C)

Good news – The district court has denied plaintiff's motion to assign the First Amendment case/preliminary injunction to Judge Forrest. Plaintiffs had argued that this is a "related case" to the habeas and should stay with Judge Forrest. The USAO opposed. The assigned judge is Judge P. Kevin Castel and the assigned magistrate is Judge Andrew Peck.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278
(212) 264 (b)(6);(b)(7)(C) or via SECTOR

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From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) - First Amendment lawsuit and order to show cause being filed today
Date: Friday, February 09, 2018 8:28:27 AM

Good morning (b)(6),(b)(7)(C)

Can you send me a copy of the order granting the stay? I want to update the ES but don't know which court issued the stay.

Thank you,

(b)(6),(b)(7)(C)
Assistant Field Office Director
U.S. Immigration and Customs Enforcement
Telephone: (212) 264-(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 08, 2018 7:30 PM
To: (b)(6),(b)(7)(C)
Subject: FW: (b)(6),(b)(7)(C) - First Amendment lawsuit and order to show cause being filed today

Saturday is cancelled. (b)(6),(b)(7)(C) please contact Ms. (b)(6),(b)(7)(C) tomorrow and advise her that her clients report date has been pushed right until (b)(6),(b)(7)(C)

We will get with OPLA in the morning to discuss the language for the G-56.

(b)(6),(b)(7)(C)
Deputy Field Office Director
DHS-ICE
New York, NY

From: Decker, Thomas (b)(6),(b)(7)(C)
Date: Thursday, Feb 08, 2018, 7:26 PM
To: (b)(6),(b)(7)(C) Cheng, Wen-Ting (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

Sure, thanks

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Thursday, Feb 08, 2018, 7:25 PM

To: Decker, Thomas (b)(6),(b)(7)(C) Cheng, Wen-Ting (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

Roger , I will inform AFOD (b)(6),(b)(7)(C);(b)(5) , is that okay with you ?

(b)(6),(b)(7)(C)
Deputy Field Office Director
DHS-ICE
New York, NY

From: Decker, Thomas (b)(6),(b)(7)(C)
Date: Thursday, Feb 08, 2018, 7:23 PM
To: Cheng, Wen-Ting (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

(b)(6),(b)(7)(C)

Go ahead and cancel Saturday and (b)(6),(b)(7)(C) can contact the attorney to arrange a new reporting date.

Thanks, Tom

Sent with BlackBerry Work
(www.blackberry.com)

From: Cheng, Wen-Ting (b)(6),(b)(7)(C)
Date: Thursday, Feb 08, 2018, 7:10 PM
To: Decker, Thomas (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today

Tom, (b)(6),(b)(7)(C)

Attached is the temporary stay signed by the judge. We are still waiting to receive a copy of First Amendment complaint and will forward when we receive it.

AUSA will be sending a formal preservation letter within the next few days, but in the meantime, we should preserve and retain all potentially relevant documents and materials to this litigation. This includes both paper and electronic records. Please let us know if you have any questions.

Thanks.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6),(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6),(b)(7)(C) or via SECTOR

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

*** Warning *** Attorney/Client Privilege *** Attorney Work Product ***

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From: Cheng, Wen-Ting
Sent: Thursday, February 08, 2018 12:54 PM
To: Decker, Thomas (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C) First Amendment lawsuit and order to show cause being filed today
Tom, (b)(6),(b)(7)(C)

Heads up, (b)(6),(b)(7)(C) attys are filing a 1st Amendment claim against the agency. We expect a temporary stay to be issued today or tomorrow. We're in contact with the USAO and will brief you later this afternoon.

This is just a heads up at this point. (b)(5)

(b)(7)(E) Is 4pm a good time?

Thanks. Wen

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza (b)(6),(b)(7)(C)
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From: (b)(6),(b)(7)(C)
To:
Subject: FW: (b)(6),(b)(7)(C) Temporary Stay Entered
Date: Friday, July 20, 2018 7:41:48 PM

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278

From: Decker, Thomas (b)(6),(b)(7)(C)
Date: Friday, Jul 20, 2018, 10:22 AM
To: (b)(6),(b)(7)(C)
Cc: Cheng, Wen-Ting (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) Temporary Stay Entered

Good morning (b)(6),(b)(7)(C)

Thank you for the update.

Have a great weekend! Tom

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Friday, Jul 20, 2018, 11:19 AM
To: Decker, Thomas (b)(6),(b)(7)(C)
Cc: Cheng, Wen-Ting (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C) - Temporary Stay Entered

Tom,

Good Morning: Yesterday, the Second Circuit issued the attached order granting a temporary stay of removal pending (b)(6);(b)(7)(C) pending appeal of the district court's denial of a preliminary injunction. Oral argument is scheduled for (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C),(b)(5)

We

will keep you posted as to any developments. Thank you.

(b)(6);(b)(7)(C)

Deputy Chief Counsel
Department of Homeland Security
Immigration and Customs Enforcement

Office of the Chief Counsel

201 Varick Street, (b)(6);(b)(7)(C)

New York, NY 10014

Phone: (212) 863 (b)(6);(b)(7)(C)

Email (b)(6);(b)(7)(C)

With honor and integrity, we will safeguard the American people, our homeland and our values.

***** Warning *** Attorney/Client Privilege *** Attorney Work Product *****

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From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C) Decker, Thomas; (b)(6),(b)(7)(C)
Cc: Cheng, Wen-Ting; (b)(6),(b)(7)(C)
Subject: RE: Emailing: City Councilman Jumaane Williams found guilty of obstructing ambulance
Date: Tuesday, August 07, 2018 9:59:00 AM
Importance: High

And the Judge stated "Your heart was in the right place".... LMAO

From: (b)(6),(b)(7)(C)
Sent: Tuesday, August 07, 2018 9:58 AM
To: (b)(6),(b)(7)(C) Decker, Thomas
(b)(6),(b)(7)(C)
Cc: Cheng, Wen-Ting; (b)(6),(b)(7)(C)
Subject: RE: Emailing: City Councilman Jumaane Williams found guilty of obstructing ambulance

The panel said that the not-guilty verdict partly stemmed from concerns over the police's role in the deportation.

The wheels continue to fall off of the wagon.....

From: (b)(6),(b)(7)(C)
Sent: Tuesday, August 07, 2018 9:55 AM
To: Decker, Thomas; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: Cheng, Wen-Ting; (b)(6),(b)(7)(C)
Subject: Emailing: City Councilman Jumaane Williams found guilty of obstructing ambulance

Thanks for contacting us. We've received your submission.

Back to Reading

•

Jumaane Williams found guilty of obstructing ambulance

By Rebecca Rosenberg

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Email(required)

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August 6, 2018 | 7:52pm | Updated August 6, 2018 | 9:36pm

Jumaane Williams



Jumaane Williams Steven Hirsch

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Prosecutors: Jumaane Williams had no right to block activist's ambulance

City Councilman Jumaane Williams was convicted Monday of blocking an ambulance to protest the deportation of his friend — but was found not guilty of obstructing police efforts to move him out of the street.

The lieutenant governor candidate and dozens of other protesters stood in front of the FDNY vehicle, which was trying to take immigrant-rights activist Ravi Ragbir to the hospital.

Ragbir fainted Jan. 11 during a check-in with US Immigration and Customs Enforcement, who

had just ordered his immediate deportation.

Although Williams faced up to a year in jail, Judge Steven Statsinger sentenced him to time served, which amounted to a few hours he had spent in custody.

"I believed and I still believe, sir, your heart was in the right place," the judge told Williams shortly after the jurors reached their verdict in Manhattan Criminal Court. "Your moral compass, which is otherwise, as far as I can tell completely accurate, just went a little awry."

It took the panel of six jurors about two hours to find Williams, 41, guilty of obstructing emergency medical services and to acquit him of obstructing governmental administration and disorderly conduct.

Jury foreman Eric Declercq said that Williams wasn't justified in impeding the ambulance.

"We felt Mr. Williams was a good guy," Declercq said. "But he can't stand in front of an ambulance. No one has that right."

The ambulance, which defense lawyers Ron Kuby and Rhiya Trivedi referred to as a deportation vehicle, was called at Ragbir's request.

The panel said that the not-guilty verdict partly stemmed from concerns over the police's role in the deportation.

Juror number 5, Adam Swire, said the EMS response appeared to be by the book, while the police response raised "a real question as to whether city resources were being used to enforce a federal immigration action."

Williams, who is running for lieutenant governor, was the only protester to press for trial. The 17 others took dismissal deals.

On the stand, Williams said he felt morally compelled to stop an illegal deportation. On cross-examination by prosecutor Ryan Hayward, Williams conceded that he didn't know at the time whether there was a medical emergency.

Ragbir, who is from Trinidad, was convicted of wire fraud in 2000, prompting the deportation order, which he has been fighting for more than a decade.

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Filed under deportation , jumaane williams , protests

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Witnesses saw woman carrying basket before dead baby washe...

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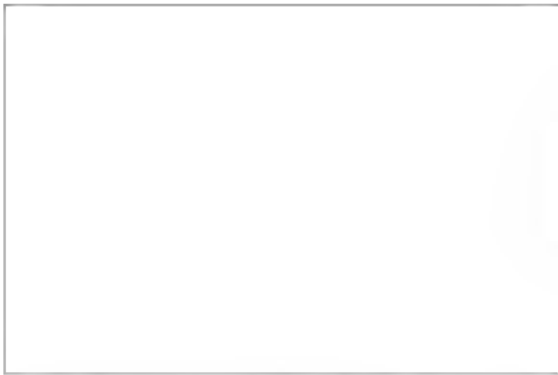
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From: (b)(6),(b)(7)(C)
To:
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 12:13:00 PM
Importance: High
Sensitivity: Confidential

I did send it to the DSAC (b)(6),(b)(7)(C) HSI-NYC

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:13 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Sensitivity: Confidential

No worries at all. It's high opstempo all around for everyone!

Vr

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Acting Assistant Director
Office of Intelligence
Homeland Security Investigations

202-732-(b)(6),(b)(7)(C) desk
202-276-(b)(6),(b)(7)(C) cell

aut viam inveniam aut faciam

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:10 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Importance: High
Sensitivity: Confidential

Very Sorry for the BLAST, I just should have quality controlled before hitting send...

From: (b)(6),(b)(7)(C)
Sent: Tuesday, July 24, 2018 12:08 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Sensitivity: Confidential

(b)(6);(b)(7)(C) thanks. This is very good info.

For future traffic on this, please be sure to add JIQC-ICE@ice.dhs.gov instead of the ICE-Watch_Event_Notification. That distro is a pound distro that the JIOC uses to send its daily threat rollup reports, and its membership includes hundreds of people across the agency, including all of its senior leaders (D1, DD, EADs HSI/ERO, SACs, FODs, et etc).

Stay safe, and please let us know if Intel HQ can assist in any way.

Vr

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director
Office of Intelligence
Homeland Security Investigations

202-732 (b)(6);(b)(7)(C) desk
202-276 (b)(6);(b)(7)(C) cell

aut viam inveniam aut faciam

From (b)(6);(b)(7)(C)

Sent: Tuesday, July 24, 2018 12:06 PM

To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>

Cc: Decker, Thomas (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C); FNY_TASKING <FNY_TASKING@ice.dhs.gov>;

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Shanahan, Christopher

(b)(6);(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: ICE Protests in the NYC area

Importance: High

Sensitivity: Confidential

This email is to inform you of a planned protest at the ERO NYC Area. The protest is being coordinated by approximately 40 different groups located throughout the NYC area.

*****INTEL*****

24-Jul

Tues

9:00

12:00

Free (b)(6),(b)(7)(C)

New York Federal Courthouse (500 Pearl Street)

"Free (b)(6),(b)(7)(C) Rally at the Court"

24-Jul

Tues

19:00

Unk

Occupy ICE NYC

Foley Square

"Abolition Music Fest"

5

Ø Date: Tuesday, July 24, 2018

Event: ABOLITION MUSIC FEST!

Time: 1900 Hours

Location: Foley Square, New York, NY

Command: 5th Precinct

Organizer: Occupy ICE NYC

Event Details:

Facebook Event Page: <https://www.facebook.com/events/446173295861170/>

[cid:image002.png@01D42335.24F19D00]

Ø The Facebook event page lists the following potential attendance figures:

ü 26 listed as Going

::

::

::

26-Jul

Thur

17:30

0:00

The Legal Aid Society, New Sanctuary Coalition of NY, Immigrant Defense Project, et al,

26 Federal Plaza

"Deportee Suitcase Solidarity March"

5

Ø Date: Thursday, July 26, 2018

Event: DEPORTEE SUITCASE SOLIDARITY MARCH

Time: 1730 x 0000 (Midnight) Hours

Location: 26 Federal Plaza, New York, NY

Command: 5th Precinct

Organizer(s): The Legal Aid Society; New Sanctuary Coalition of New York City; Immigrant Defense Project; Detention Watch Network; Families Belong Together; NYU Sanctuary; (b)(6).(b)(7)(C) And The Stop Shopping Choir; et al.

Event Details:

Facebook Event Page: <https://www.facebook.com/events/1907934025896733/>

[cid:image006.png@01D42335.24F19D00]

Ø The Facebook event page lists the following potential attendance figures:

ü 385 listed as Going - HIGH.

ü 1,259 listed as Interested

Ø Below is a transcript of the Facebook event details:

A SUITCASE

The deportation machine has many layers. We invite you to join us in an action that will bring to light one such layer-invisible to many-that profoundly marks the lives of our friends, our neighbors.

When Immigration and Customs Enforcement (ICE) orders our Friends deported, their loved ones can pack one 25 lb suitcase for them. Each day, people in our communities must pack such a suitcase and submit it to ICE for inspection. When they drop off these suitcases with ICE, they cannot see their loved one to say goodbye.

Some of our friends and neighbors are deported to countries they left as children, where they know no one and may not speak the language. It may be a place with little opportunity, where their sexuality is criminalized, where there is war or drought. They often face grave danger.

We are asking you to think about one person-someone you love-and imagine packing their suitcase before they were deported to a country where you might never see them again. The suitcase is everything your loved one will leave with; the suitcase contains the belongings they will start over with. We invite you to think about this choice: what objects, what pieces of clothing, what photos, what books, what letters what would you pack?

Members of our communities, our neighbors, have to make these choices every day. They have to think in these terms. They have to pack one suitcase for their loved ones.

On July 26th, at 5:30 PM, we will gather at 26 Federal Plaza in New York City to honor those who have been deported and their loved ones-and to make visible this form of invisible violence.

We ask that you bring ONE (1) OBJECT YOU WOULD PACK in your love's suitcase to 26 Federal Plaza, as we shed a light onto the deportation machine that continues to cause violence and suffering on our communities.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278

(b)(6),(b)(7)(C)

PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 12:12:00 PM
Importance: High
Sensitivity: Confidential

(b)(6),(b)(7)(C)

Thank you for remembering me! I wish you nothing but the best of times and nothing but good fortunes... Your family deserves your undivided attention and hopefully you get to do whatever you wish. May all your dreams come true.

Bravo- You made it

(b)(6),(b)(7)(C)

From: Herrera-Niles, Dorothy E
Sent: Tuesday, July 24, 2018 12:10 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area
Sensitivity: Confidential

Side note.

Dottie

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Tuesday, Jul 24, 2018, 12:05 PM
To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>
Cc: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) FNY_TASKING <FNY_TASKING@ice.dhs.gov>, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Shanahan, Christopher (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: ICE Protests in the NYC area

This email is to inform you of a planned protest at the ERO NYC Area. The protest is being coordinated by approximately 40 different groups located throughout the NYC area.

*****INTEL*****

24-Jul

Tues

9:00

12:00

Free (b)(6);(b)(7)(C)

New York Federal Courthouse (500 Pearl Street)

"Free (b)(6);(b)(7)(C) Rally at the Court"

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19:00

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Occupy ICE NYC

Foley Square

"Abolition Music Fest"

5

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Command: 5th Precinct

Organizer: Occupy ICE NYC

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Location: 26 Federal Plaza, New York, NY

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Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278

(b)(6),(b)(7)(C)

PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To: Tsoukaris, John
Subject: RE: ICE Protests in the NYC area
Date: Tuesday, July 24, 2018 1:09:30 PM
Sensitivity: Confidential

He's already been promoted to CoS

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza (b)(6),(b)(7)(C) New York, NY 10278

From: Tsoukaris, John (b)(6),(b)(7)(C)
Date: Tuesday, Jul 24, 2018, 12:27 PM
To: (b)(6),(b)(7)(C)
Subject: RE: ICE Protests in the NYC area

Send Shanahan to be the ICE spokesman!

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)
Date: Tuesday, Jul 24, 2018, 12:05 PM
To: #ICE-Watch_Event_Notification <ICE-Watch_Event_Notification@ice.dhs.gov>
Cc: Decker, Thomas (b)(6),(b)(7)(C)
FNY_TASKING <FNY_TASKING@ice.dhs.gov>, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Shanahan, Christopher (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)

(b)(6);(b)(7)(C)

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Location: 26 Federal Plaza, New York, NY

Command: 5th Precinct

Organizer(s): The Legal Aid Society; New Sanctuary Coalition of New York City; Immigrant Defense Project; Detention Watch Network; Families Belong Together; NYU Sanctuary; (b)(6),(b)(7)(C) And The Stop Shopping Choir; et al.

Event Details:

Facebook Event Page: <https://www.facebook.com/events/1907934025896733/>

[cid:image006.png@01D42335.24F19D00]

Ø The Facebook event page lists the following potential attendance figures:

ü 385 listed as Going - HIGH.

ü 1,259 listed as Interested

Ø Below is a transcript of the Facebook event details:

A SUITCASE

The deportation machine has many layers. We invite you to join us in an action that will bring to light one such layer-invisible to many-that profoundly marks the lives of our friends, our neighbors.

When Immigration and Customs Enforcement (ICE) orders our Friends deported, their loved ones can pack one 25 lb suitcase for them. Each day, people in our communities must pack such a suitcase and submit it to ICE for inspection. When they drop off these suitcases with ICE, they cannot see their loved one to say goodbye.

Some of our friends and neighbors are deported to countries they left as children, where they know no one and may not speak the language. It may be a place with little opportunity, where their sexuality is criminalized, where there is war or drought. They often face grave danger.

We are asking you to think about one person-someone you love-and imagine packing their suitcase before they were deported to a country where you might never see them again. The suitcase is everything your loved one will leave with; the suitcase contains the belongings they will start over with. We invite you to think about this choice: what objects, what pieces of clothing, what photos, what books, what letters what would you pack?

Members of our communities, our neighbors, have to make these choices every day. They have to think in these terms. They have to pack one suitcase for their loved ones.

On July 26th, at 5:30 PM, we will gather at 26 Federal Plaza in New York City to honor those who have been deported and their loved ones-and to make visible this form of invisible violence.

We ask that you bring ONE (1) OBJECT YOU WOULD PACK in your love's suitcase to 26 Federal Plaza, as we shed a light onto the deportation machine that continues to cause violence and suffering on our communities.

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278
(b)(6),(b)(7)(C)
PH: 212-238 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
To:
Cc:
Subject: RE: ICE report date (rescheduled)
Date: Tuesday, July 24, 2018 7:45:00 AM
Importance: High

Ms (b)(6),(b)(7)(C)

Thank you for your email, I will review all case related material and get back to you.

(b)(6),(b)(7)(C)

Deputy Field Office Director
Immigration and Customs Enforcement
New York Field Office
New York, NY, 10278

From: (b)(6),(b)(7)(C)
Sent: Monday, July 23, 2018 2:38 PM
To: (b)(6),(b)(7)(C)
Cc:
(b)(6),(b)(7)(C)
Subject: RE: ICE report date (rescheduled)

Dear (b)(6),(b)(7)(C)

I hope you are doing well. I'm writing to request that (b)(6),(b)(7)(C) report date (currently scheduled for this Friday) be cancelled, and if necessary, rescheduled for a later date and time. The stay of removal in place in the District of New Jersey is still in effect, and the case will continue to be briefed through mid-August (the most recent date to be set due to a pending extension sought by the Government). In addition, the Second Circuit has just issued a temporary stay of removal, see attached order.

For these reasons, we request that (b)(6),(b)(7)(C) report date be cancelled, and if necessary rescheduled for some point well past August.

Thank you so much for your consideration of this request. Best,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Professor of Clinical Law

Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Tel: (212) 998-(b)(6),(b)(7)(C)
Cell: (347) 693-(b)(6),(b)(7)(C)
Fax: (212) 995-4031
Email: (b)(6),(b)(7)(C)
Twitter (b)(6),(b)(7)(C)
www.law.nyu.edu/immigrantrightsclinic

From: (b)(6),(b)(7)(C)
Sent: Wednesday, May 09, 2018 6:12 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: RE: ICE report date (rescheduled)

Good afternoon,

Please be advised that (b)(6),(b)(7)(C) appointment with ICE/ERO was postponed until (b)(6),(b)(7)(C) (b)(6),(b)(7)(C). If there is no judicially ordered stay of removal in effect or unless otherwise notified, your client should appear at 26 Federal Plaza, (b)(6),(b)(7)(C) on (b)(6),(b)(7)(C) with one piece of luggage not to exceed 44 pounds.

A copy of the attached reporting notice will be mailed out to (b)(6),(b)(7)(C) mailing address.

Thank you,

(b)(6),(b)(7)(C)
Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6),(b)(7)(C)
Sent: Wednesday, May 09, 2018 11:55 AM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: Re: ICE report date (rescheduled)

Dear (b)(6),(b)(7)(C)

Hope you are doing well. I am just following up on our inquiry below. Do we need to report on Friday? Thanks so much,

(b)(6),(b)(7)(C)

(b)(6);(b)(7)(C)

Professor of Clinical Law
Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Office: (212) 998-(b)(6);(b)(7)(C)
Cell: (347) 693-(b)(6);(b)(7)(C)
Fax: (212) 995-4031
Email: (b)(6);(b)(7)(C)

----- Original message -----

From: (b)(6);(b)(7)(C)

Date: 5/7/18 12:12 PM (GMT-05:00)

To: (b)(6);(b)(7)(C)

Cc:

(b)(6);(b)(7)(C)

Subject: RE: ICE report date (rescheduled)

Dear (b)(6);(b)(7)(C)

I hope you are doing well. I'm writing to request that (b)(6);(b)(7)(C) report date for (b)(6);(b)(7)(C) be cancelled and, if necessary, rescheduled to a date well after (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) has a stay of removal in place from the District of New Jersey in his coram nobis proceedings (please see attached order). We recently had a hearing before the District of New Jersey on (b)(6);(b)(7)(C) and the Court set a schedule for post-hearing briefing that will last until at least (b)(6);(b)(7)(C) (please see attached court minutes with scheduling dates).

Based on these updates, it is now clear that there will be a judicial stay of removal in place in (b)(6);(b)(7)(C) case on (b)(6);(b)(7)(C) and that this stay will last until some point after (b)(6);(b)(7)(C) (since the stay will last until the Court makes a final decision in the proceedings, which will happen at some point after the briefing is completed) (b)(6);(b)(7)(C) also continues to have a stay of removal in place from the Southern District of New York as well.

For these reasons, we respectfully request that (b)(6);(b)(7)(C) report date be cancelled and, if necessary, rescheduled for a date at some point a few weeks after (b)(6);(b)(7)(C)

Thank you for your consideration of these updates and this request. We would be grateful to hear back from you soon.

Sincerely,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Counsel for (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Professor of Clinical Law
Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Tel: (212) 998-(b)(6),(b)(7)(C)
Cell: (347) 693-(b)(6),(b)(7)(C)
Fax: (212) 995-4031
Email: (b)(6),(b)(7)(C)
Twitter (b)(6),(b)(7)(C)
www.law.nyu.edu/immigrantrightsclinic

From: (b)(6),(b)(7)(C)

Sent: Thursday, March 08, 2018 4:13 PM

To: (b)(6),(b)(7)(C)

Cc:

Subject: RE: ICE report date (rescheduled)

Good evening (b)(6),(b)(7)(C)

Please be advised that (b)(6),(b)(7)(C) appointment with ICE/ERO has been rescheduled to (b)(6),(b)(7)(C). If there is no judicially ordered stay of removal in effect or unless otherwise notified, your client should appear at 26 Federal Plaza, (b)(6),(b)(7)(C) on (b)(6),(b)(7)(C) with one piece of luggage not to exceed 44 pounds.

A copy of the attached reporting notice will be mailed out to (b)(6),(b)(7)(C) mailing address.

Thank you,

(b)(6),(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6),(b)(7)(C)

Sent: Tuesday, February 27, 2018 1:44 PM

To: (b)(6),(b)(7)(C)

Cc:

Subject: RE: ICE report date (rescheduled)

(b)(6);(b)(7)(C)

Please see the attached copy of the reporting notice for your records. Thank you

(b)(6);(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6);(b)(7)(C)

Sent: Friday, February 23, 2018 4:36 PM

To: (b)(6);(b)(7)(C)

Cc:

Subject: Re: ICE report date (rescheduled)

Thanks so much. If you are able to email a copy as well, we would be grateful.

Thank you,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Professor of Clinical Law
Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Office: (212) 995-^{(b)(6);(b)(7)(C)}
Cell: (347) 693-^{(b)(6);(b)(7)(C)}
Fax: (212) 995-4031
Email: ^{(b)(6);(b)(7)(C)}

----- Original message -----

From: (b)(6);(b)(7)(C)

Date: 2/23/18 4:28 PM (GMT-05:00)

To: (b)(6);(b)(7)(C)

Cc:

Subject: RE: ICE report date (rescheduled)

Yes Ma'am. We will mail a new reporting notice with the updated date to (b)(6);(b)(7)(C)

Thank you,

(b)(6);(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6);(b)(7)(C)

Sent: Friday, February 23, 2018 4:26 PM

To: (b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

Subject: Re: ICE report date (rescheduled)

Thank you for your email. Is there a new reporting notice to replace the old one?

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Professor of Clinical Law
Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Office: (212) 99-(b)(6);(b)(7)(C)
Cell: (347) 693-(b)(6);(b)(7)(C)
Fax: (212) 995-4031
Email: (b)(6);(b)(7)(C)

----- Original message -----

From: (b)(6);(b)(7)(C)

Date: 2/23/18 3:59 PM (GMT-05:00)

To: (b)(6);(b)(7)(C)

Cc:

Subject: RE: ICE report date (rescheduled)

Good afternoon (b)(6);(b)(7)(C)

It appears (b)(6);(b)(7)(C) has a hearing scheduled at the U.S. Courthouse, 500 Pearl Street, New York, NY 10007 on (b)(6);(b)(7)(C). Please be advised that (b)(6);(b)(7)(C) appointment with ICE/ERO has been re-scheduled for (b)(6);(b)(7)(C). If there is no judicially ordered stay of removal in effect or unless otherwise notified, your client should appear at 26 Federal Plaza (b)(6);(b)(7)(C) on (b)(6);(b)(7)(C) with one piece of luggage not to exceed 44 pounds.

Thank you,

(b)(6);(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6);(b)(7)(C)

Sent: Friday, February 09, 2018 2:59 PM

To: (b)(6);(b)(7)(C)

Cc:

Subject: Re: ICE report date (rescheduled)

Thanks so much for the clarification! Have a nice weekend,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Professor of Clinical Law
Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Office: (212) 998-6467
Cell: (347) 693- (b)(6),(b)(7)(C)
Fax: (212) 995- (b)(6),(b)(7)(C)
Email: (b)(6),(b)(7)(C)

----- Original message -----

From: (b)(6),(b)(7)(C)
Date: 2/9/18 10:50 AM (GMT-05:00)
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: RE: ICE report date (rescheduled)

Yes ma'am, that is correct. (b)(6),(b)(7)(C) does not need to report tomorrow.

Regards,

(b)(6),(b)(7)(C)

Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6),(b)(7)(C)
Sent: Friday, February 09, 2018 10:45 AM
To: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: Re: ICE report date (rescheduled)

Good morning. Just to confirm, we do not need to report at all tomorrow?

Thank you,

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Professor of Clinical Law
Co-Director, Immigrant Rights Clinic
New York University School of Law
245 Sullivan St., 5th Fl.
New York, NY 10012
Office: (212) 998- (b)(6),(b)(7)(C)

Cell: (347) 693-(b)(6);(b)(7)(C)
Fax: (212) 995-(b)(6);(b)(7)(C)
Email: (b)(6);(b)(7)(C)

----- Original message -----

From: (b)(6);(b)(7)(C)
Date: 2/9/18 9:59 AM (GMT-05:00)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: ICE report date (rescheduled)

Good morning (b)(6);(b)(7)(C)

Please be advised that (b)(6);(b)(7)(C) appointment for (b)(6);(b)(7)(C) has been re-scheduled for (b)(6);(b)(7)(C). If there is no judicially ordered stay of removal in effect or unless otherwise notified, your client should appear on (b)(6);(b)(7)(C) with one piece of luggage not to exceed 44 pounds.

Best regards,

(b)(6);(b)(7)(C)
Assistant Field Office Director
U.S. Immigration and Customs Enforcement

From: (b)(6),(b)(7)(C)
To: Decker, Thomas
Subject: RE: Protest this Thursday!
Date: Tuesday, July 24, 2018 7:12:00 AM
Importance: High

We're ready!!

From: Decker, Thomas
Sent: Tuesday, July 24, 2018 7:00 AM

To: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Cc: Shanahan, Christopher? (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: Protest this Thursday!

Good morning, FYI -- this Thursday!

NEWS

Immigration protest asks New Yorkers to experience part of the deportation process

The advocates want New Yorkers to consider what they would send with a loved one who was being deported.



The New Sanctuary Coalition will hold a "Deportee Suitcase Action" on Thursday. Photo Credit: Getty Images / John Moore

By Nicole Brown nicole.brown@amny.com Updated July 23, 2018 2:53 PM

Print Share

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A coalition of immigration advocates are asking New Yorkers to consider what they would pack for a loved one who was about to be deported.

The New Sanctuary Coalition and more than 40 other community groups plan to hold a "[Deportee Suitcase Action](#)" on Thursday to bring attention to part of the deportation process they say has "been hidden in the shadows."

When Immigration and Customs Enforcement orders someone to be deported, a family member or friend can pack one bag for them, the coalition said in a statement. That bag, weighing less than 40 pounds, must be dropped off, with the detainee not allowed to be present when the family member delivers it, an ICE representative said.

"We are asking every New Yorker to think about one person — someone you love — and imagine packing a suitcase for that person before they are deported to a country where you might never see them again," the statement said.

The group wants people to bring one of the objects they would pack to a demonstration at 26 Federal Plaza at 5:30 p.m. on Thursday. It also is asking participants to share a photo of the object and an explanation of why they chose it on social media, using #WhatWouldYouPack.

"We invite New Yorkers, rather than just demonstrate, to open themselves up to what it means to see someone taken forever," the coalition said.

From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C) Decker, Thomas
Cc: Cheng, Wen-Ting; (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) Temporary Stay Entered
Date: Monday, July 23, 2018 4:08:18 PM

Thank you .

(b)(6),(b)(7)(C)

Deputy Field Office Director
New York Field Office
Department of Homeland Security |
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
26 Federal Plaza, (b)(6),(b)(7)(C) New York, NY 10278

From: (b)(6),(b)(7)(C)
Date: Monday, Jul 23, 2018, 3:39 PM
To: Decker, Thomas (b)(6),(b)(7)(C)
Cc: Cheng, Wen-Ting
(b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C) Temporary Stay Entered

All,

Good Afternoon: As an update, the Government's brief is now due on (b)(6),(b)(7)(C) in the District of New Jersey portion of this case. (b)(6),(b)(7)(C) response is due

(b)(6),(b)(7)(C)

On the immigration court front, (b)(6),(b)(7)(C) filed a motion to reconsider and terminate his removal proceedings before the Board of Immigration Appeals today, which we will (b)(5) His motion to reopen, filed in January 2018, is still pending before the Board of Immigration Appeals. We will provide further updates as they become available. Thank you.

(b)(6),(b)(7)(C)

Deputy Chief Counsel
Department of Homeland Security

Immigration and Customs Enforcement

Office of the Chief Counsel

201 Varick Street, (b)(6),(b)(7)(C)

New York, NY 10014

Phone: (212) 863-(b)(6),(b)(7)(C)

Email: (b)(6),(b)(7)(C)

With honor and integrity, we will safeguard the American people, our homeland and our values.

***** Warning *** Attorney/Client Privilege *** Attorney Work Product *****

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From: Decker, Thomas

Sent: Friday, July 20, 2018 11:23 AM

To: (b)(6),(b)(7)(C)

Cc: Cheng, Wen-Ting (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: RE: (b)(6),(b)(7)(C) Temporary Stay Entered

Good morning (b)(6),(b)(7)(C)

Thank you for the update.

Have a great weekend! Tom

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6),(b)(7)(C)

Date: Friday, Jul 20, 2018, 11:19 AM

To: Decker, Thomas

Cc: Cheng, Wen-Ting

(b)(6);(b)(7)(C)

Subject: (b)(6);(b)(7)(C) Temporary Stay Entered

Tom,

Good Morning: Yesterday, the Second Circuit issued the attached order granting a temporary stay of removal pending (b)(6);(b)(7)(C) pending appeal of the district court's denial of a preliminary injunction. Oral argument is scheduled for (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

We

will keep you posted as to any developments. Thank you.

(b)(6);(b)(7)(C)

Deputy Chief Counsel

Department of Homeland Security

Immigration and Customs Enforcement

Office of the Chief Counsel

201 Varick Street, (b)(6);(b)(7)(C)

New York, NY 10014

Phone: (212) 863- (b)(6);(b)(7)(C)

Email: (b)(6);(b)(7)(C)

With honor and integrity, we will safeguard the American people, our homeland and our values.

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From: (b)(6),(b)(7)(C)
To: Cheng, Wen-Ting; Decker, Thomas
Cc: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C)
Date: Friday, February 16, 2018 3:15:31 PM

Wen

Yes , I received this version several minutes ago, thank you .

(b)(6),(b)(7)(C)

Deputy Field Office Director
DHS-ICE
New York, NY

From: Cheng, Wen-Ting (b)(6),(b)(7)(C)

Date: Friday, Feb 16, 2018, 2:44 PM

To: Decker, Thomas (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: FW: (b)(6),(b)(7)(C)

Tom, (b)(6),(b)(7)(C)

HQ OPLA forwarded us the ES for review. This might not be the final version since it may be further edited at HQ. However, I wanted to make sure you at least had our edits for your awareness.

Please let me know if you have any questions. Thanks.

Wen

Wen Cheng
Chief Counsel - New York
USDHS/ICE

* Sent via iPhone *

From: Cheng, Wen-Ting (b)(6),(b)(7)(C)

Date: Friday, Feb 16, 2018, 2:07 PM

To: (b)(6),(b)(7)(C)

Cc:

(b)(6),(b)(7)(C)

Subject: RE: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Here are my edits. I need to leave soon for a dentist appointment but (b)(6);(b)(7)(C) can assist if you need anything else on this today. I'll also have my laptop if anything else comes up over the weekend.

Wen

Wen-Ting Cheng
Chief Counsel
Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278
(212) 264-(b)(6);(b)(7)(C) via SECTOR

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

***** Warning *** Attorney/Client Privilege *** Attorney Work Product *****

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From: (b)(6);(b)(7)(C)
Sent: Friday, February 16, 2018 11:51 AM
To: Cheng, Wen-Ting
Subject: FW: (b)(6);(b)(7)(C)

Wen:

Can you review this ES and get it back to us?

(b)(6);(b)(7)(C)

Associate Deputy Principal Legal Advisor
Immigration and Customs Enforcement
Office Of The Principal Legal Advisor
Field Legal Operations - West
202-732-(b)(6);(b)(7)(C) Desk
716-316-(b)(6);(b)(7)(C) Cell

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From: (b)(6),(b)(7)(C)
Sent: Friday, February 16, 2018 8:28 AM
To: (b)(6),(b)(7)(C)
Cc:
Subject: FW: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

In light of her direct involvement in this case, would you please have Wen review? It needs a lot of work.

(b)(6),(b)(7)(C)

Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6),(b)(7)(C)
Iphone: 202-50

(b)(6),(b)(7)(C)

— ATTORNEY/CLIENT PRIVILEGE — ATTORNEY WORK PRODUCT —

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From: (b)(6),(b)(7)(C)
Sent: Friday, February 16, 2018 8:24 AM
To: (b)(6),(b)(7)(C)
Subject: FW: (b)(6),(b)(7)(C)

OPLA,

Please review the attached ES regarding (b)(6),(b)(7)(C)

Thanks,

V/r,

(b)(6),(b)(7)(C)

Staff Officer/ERO Office of the EAD
202-732-(b)(6),(b)(7)(C) desk
619-571- mobile

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 8:28 PM
To: (b)(6),(b)(7)(C)
Cc:
Subject: FW: (b)(6),(b)(7)(C)

If OPLA hasn't reviewed, please have them do so. This is cleared, pending review or major changes.

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 12:36 PM
To: (b)(6),(b)(7)(C)
Cc: #ERO CHIEFS OF STAFF
Subject: FW: (b)(6),(b)(7)(C)

For your review.

V/r,

(b)(6),(b)(7)(C)

Staff Officer/ERO Office of the EAD
202-732- (b)(6),(b)(7)(C) Desk
619-571- (b)(6),(b)(7)(C) Mobile

From: (b)(6),(b)(7)(C)
Sent: Thursday, February 15, 2018 12:33 PM
To: (b)(6),(b)(7)(C)
Cc:
Subject: FW: (b)(6),(b)(7)(C)

Please see updated ES attached.

(b)(6),(b)(7)(C)
(A) Chief of Staff
Field Operations
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
500 12th St, SW
Washington, DC 20024
202-732- (b)(6),(b)(7)(C) Desk
202-359- (b)(6),(b)(7)(C) Cell

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From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
Subject: RE: (b)(6),(b)(7)(C)
Date: Tuesday, February 13, 2018 7:26:02 AM

Thank you brother

(b)(6),(b)(7)(C)

Deputy Field Office Director
DHS-ICE
New York, NY

From: (b)(6),(b)(7)(C)
Date: Tuesday, Feb 13, 2018, 7:13 AM
To: (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: Decker, Thomas (b)(6),(b)(7)(C)
Subject: (b)(6),(b)(7)(C)

Wow....the NY Daily News actually published this....

Financial crimes convict Ravi Ragbir an ill-chosen immigrant icon

Financial crimes convict Ravi Ragbir an ill-chosen immigrant icon

ERROL LOUIS

NEW YORK DAILY NEWS

Tuesday, February 13, 2018, 5:00 AM

Activists who want to replace our unjust, convoluted immigration system with something better should be careful about how they use the difficult case of Ravi Ragbir as a guide for how to change American laws.

The unpleasant truth — which the activist's friends frequently ignore, distort or simply dissemble about — is that Ragbir, a native of Trinidad and Tobago, committed serious crimes in the 1990s that led to a prison sentence and constitute the main reason he is facing deportation.

I feel for Ragbir. By all accounts he is knowledgeable, charismatic and leading a necessary fight to bring sense and compassion to our immigration system. And like most New Yorkers, I strongly favor the granting of permanent legal status for Dreamers, the undocumented residents who were brought here as

children.

But Ragbir's case is very different. In 1994, as an adult, he secured a coveted green card, making him a permanent resident with the right to work. I short order, while working at Household Finance Corp. (which was later acquired by HSBC Bank), he joined a criminal ring that used the stolen identities of unsuspecting people to generate fraudulent mortgage loans, and was arrested in the summer of 1999.

In a signed confession, Ragbir said of the man who recruited him: "He told me that he wanted me to do business with him through my company (HFC) and set up real estate loans for people that he would send to me as referrals. He told me that he wanted to get the money from the loans and would send people to me to use false names and information and offered to me one point of each loan. One point is one-percent of the dollar amount of each loan. I told him that I would do it for him."

Ragbir also said of his partner in crime (who later pleaded guilty): "He is the guy that was running the whole scheme through me at my job . . . between December 1998 and now. He has organized the filing of \$1.5 million worth of fraudulent loans by using me to process the loans through Household Finance and allow others to assume false identities to apply for the loans."

Ragbir's supporters often downplay or mischaracterize these crimes, for which he spent three years in federal prison. Ragbir stipulated that the scheme ripped HFC off for between \$300,000 and \$500,000.

But the fraud didn't just affect a faceless corporation: It was based on identity fraud, which wreaks havoc on the lives of unsuspecting victims.

One of the persons ripped off in the scheme, Mary Mays, died before Ragbir went to trial. Another victim, Muzethel Childs, testified that she had never visited HFC or applied for a loan, but discovered her identity was used to generate a bogus mortgage. Ditto for Sudie Smith, whose stolen identity was part of the case against Ragbir.

One wishes that the activists passionately defending Ragbir would take the time to find the families of Mays, Childs and Smith — who, for all we know, were hardworking immigrants trying to make it in America. I wonder if they have ever been made whole financially.

And Mayor de Blasio was being inaccurate — or too cute by half — when he wrote a letter to the regional director of Immigration and Customs Enforcement requesting that Ragbir be granted long-term legal residency in the U.S.

"In his more than 20 years as a lawful permanent resident in the United States, Mr. Ragbir has made significant contributions to the city's civic life," the mayor wrote. That span includes the time Ragbir was part of the stolen

ID/mortgage fraud ring, as well as the years he spent in prison.

As is his right, Ragbir is exploring every conceivable legal and political angle to remain in the U.S. But the legal fight isn't going well; his conviction was upheld on appeal.

And the latest lawsuit, filed on behalf of Ragbir and other activists, charges they are being unfairly targeted because of their advocacy on behalf of undocumented immigrants. But even that lawsuit acknowledges on page 6 that "plaintiffs here do not challenge underlying orders of removal."

That's an acknowledgement that Ragbir has already had his day in court, and that the removal order will likely remain in place. Here's hoping more immigration activists will step up to complete his mission.

(b)(6);(b)(7)(C)

Assistant Field Office Director
US Immigration & Customs Enforcement
Enforcement & Removal Operations
New York Field Office
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(646)201- cell

(b)(6);(b)(7)(C)

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United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 19th day of July, two thousand eighteen.

Present:

Peter W. Hall,
Circuit Judge.

Ravidath Lawrence Ragbir, et al.,

Plaintiffs-Appellants,

v.

18-1597

Thomas D. Homan, in his official capacity as Deputy Director and Senior Official Performing the duties of the Director of U.S. Immigration and Customs Enforcement, et al.,

Defendants-Appellees.

Appellant Ravidath Lawrence Ragbir moves for a stay of removal pending appeal of the district court's denial of a preliminary injunction. Upon due consideration, it is hereby ORDERED that a temporary stay is GRANTED and the motion will be scheduled for oral argument on August 14, 2018.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

The image shows a handwritten signature, "Catherine O'Hagan Wolfe", written in black ink. The signature is positioned over a circular official seal of the United States Court of Appeals for the Second Circuit. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".